

**Hunters Point Shipyard  
Installation Restoration Program  
Public Information Materials**

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**22 April 2004  
Public Meeting/Restoration Advisory Board Meeting  
Held at Dago Mary's Restaurant  
San Francisco, California**

**Materials/Handout Include:**

- Agenda for 22 April 2004 RAB
- Meeting/Minutes from 25 March 2004 RAB Meeting
  - Includes: Action Items from 25 March 2004 RAB Meeting; and
  - Table 1, RAB Roll-Call Sheet
- Reporters Transcript from 22 April 2004 RAB Meeting
- PowerPoint Presentation, Dr. Ahimsa Sumchai, Parcel A ROD and Related Documents, 22 April 2004
- Written Presentation Notes, Dr. Ahimsa Sumchai, Parcel A ROD, 22 April 2004
- Meeting Minutes, HPS RAB, Economic Subcommittee, 06 April 2004
- Letter from ARC Ecology to Jay Navarrette, Comments on the Notification of Project Receiving Environmental Review, 19 September 2003
- Petition from HPS RAB to SFRA, Request for Continuance of "Conveyance Agreement" Pending Environmental Review
- Flyer, SFRA, Special Meeting, HPS Conveyance Agreement, 29 April 2004

**Standard Handouts Not Included in this Packet:**

- HPS List of Acronyms and Abbreviations
- HPS Mailing List Update Form
- HPS RAB Membership Application Form
- HPS Bylaws

**HUNTERS POINT SHIPYARD  
RESTORATION ADVISORY BOARD (RAB) - MEETING AGENDA  
THURSDAY, 22 APRIL 2004**

**Day/Date:**  
Thursday – 22 April 2004  
**Time:**  
6:00 p.m. to 8:00 p.m.

**Location:**  
Dago Mary's Restaurant  
Hunters Point Shipyard  
Building # 916  
San Francisco

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**Facilitator:** Marsha Pendergrass

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<b>Time</b>	<b>Topic</b>	<b>Leader</b>
6:00 p.m. – 6:05 p.m.	Welcome/Introductions/Agenda Review	Marsha Pendergrass <i>Facilitator</i>
6:05 p.m. – 6:15 p.m.	Approval of Meeting Minutes from 25 March 2004 RAB Meeting • Action Items	Marsha Pendergrass
6:15 p.m. – 6:20 p.m.	Navy Announcements	Keith Forman <i>Navy Co-chair</i>
	Community Co-chair Report/Other Announcements	Lynne Brown <i>Community Co-chair</i>
6:20 p.m. – 6:35 p.m.	Subcommittee Reports	Subcommittee Leaders
6:35 p.m. – 6:55 p.m.	Parcel A ROD and Related Documents	Ahimsa Sumchai <i>RAB Member</i>
6:55 p.m. – 7:05 p.m.	<b>BREAK</b>	
7:05 p.m. – 7:50 p.m.	City of San Francisco/Navy Conveyance Agreement	Elaine Warren <i>City of San Francisco</i>
7:50 p.m. – 8:00 p.m.	Future Agenda Topics/ Open Question & Answer	Marsha Pendergrass
8:00 p.m.	Adjournment	Marsha Pendergrass

HPS web site: <http://www.efds.w.navy.mil/Environmental/HuntersPoint.htm>

RAB Navy Contact: Mr. Keith Forman (619) 532-0913 or (415) 308-1458

**- - - P U B L I C N O T I C E - - -**  
**H U N T E R S P O I N T S H I P Y A R D**  
**Restoration Advisory Board Meeting**

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**6:00 P.M. - 8:00 P.M.**

**Thursday, April 22, 2004**

**Dago Mary's Restaurant**

**Hunters Point Shipyard, Building #916**

**San Francisco**

The Restoration Advisory Board (RAB) is composed of concerned citizens and government representatives involved in the environmental cleanup program at Hunters Point Shipyard. Community participation and input is important and appreciated. The purpose of this meeting is to present the community with the current status and future cleanup schedule for Hunters Point Shipyard and to address the concerns of the entire community.

***The interested public is welcome!***

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*For more information about this meeting and the Installation Restoration Program at Hunters Point Shipyard, please contact:*

Mr. Keith Forman, BRAC Environmental Coordinator  
Southwest Division Naval Facilities Engineering Command  
1230 Columbia Street, Suite 1100, San Diego, CA 92101  
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**HUNTERS POINT SHIPYARD**  
**RESTORATION ADVISORY BOARD MEETING MINUTES**  
**25 MARCH 2004**

These minutes summarize the discussions and presentations from the Restoration Advisory Board (RAB) meeting held from 6:05 P.M. to 8:40 P.M., Thursday, 25 March 2004 at Dago Mary's Restaurant (Building #916 at the Shipyard). A verbatim transcript was also prepared for the meeting and is available in the Information Repository for Hunters Point Shipyard (HPS) and on the Internet at [www.efds.w.navy.mil/Environmental/HuntersPoint.htm](http://www.efds.w.navy.mil/Environmental/HuntersPoint.htm). The list of agenda topics is provided below. Attachment A provides a list of attendees. Attachment B includes action items that were requested and/or committed to by RAB members during the meeting.

**AGENDA TOPICS:**

- 1) Welcome/Introductions/Agenda Review
- 2) Approval of Meeting Minutes from 26 February 2004 RAB Meeting
- 3) Subcommittee Reports
- 4) Update on Cleanup Projects for Dry Dock 4 and Parcel E Shoreline
- 5) Parcel E Removal Actions at Metal Debris Reef and Metal Slag Area
- 6) Parcel A and the Finding of Suitability for Transfer (FOST)
- 7) Future Agenda Topics/Open Question & Answer
- 8) Adjournment

**MEETING HANDOUTS:**

- Agenda for 25 March 2004 RAB
- Meeting/Minutes from 26 February 2004 RAB Meeting
  - Includes: Action Items from 26 February 2004 RAB Meeting; and
  - Table 1, RAB Roll-Call Sheet
- Monthly Progress Report, February 2004
- PowerPoint Presentation, Dry Dock #4 and Parcel E Shoreline, 25 March 2004
- PowerPoint Presentation, Parcel A and the Finding of Suitability to Transfer, 25 March 2004
- Meeting Minutes, Membership/Bylaws & Community Outreach Subcommittee, 10 March 2004
- Letter from Kevyn Lutton to Keith Forman, Comments on Time Critical Removal Action at Parcel D, 11 March 2004
- Letter from Lea Loizos to Keith Forman, Action Memorandum, Time Critical Removal Action for the Parcel D Soil Excavations Sites, 25 March 2004
- Fact Sheets No. 5 and 6, Historical Radiological Assessment, February 2004
- Flyer, Business Contracting Expo – Opportunities at Hunters Point Shipyard, 27 March 2004
- Booklet, Hunters Point Shipyard Historical Radiological Assessment – A Guide to the Findings

**Welcome / Introductions / Agenda and Meeting Minutes Review**

Marsha Pendergrass, facilitator, called the meeting to order at 6:05 P.M. All in attendance made self-introductions. Ms. Pendergrass began the meeting and asked if there were any changes to the agenda; of which there were none. Ms. Pendergrass called for a motion to approve the meeting minutes and the minutes were approved with no revisions.

Ms. Pendergrass reviewed the Action Items contained in the February minutes and asked for a status of each item. All the action items were resolved to the satisfaction of the RAB.

## Navy and Community Co-chair Reports/Other Announcements

Keith Forman, Navy RAB Co-Chair, began by thanking everybody who came out and attended the Navy's Historical Radiological Assessment Information Day, which was held from 11:00 A.M. to 3:00 P.M. on Saturday, March 20, at the E.P. Mills Auditorium. Navy and Radiological Affairs Support Office (RASO) personnel were in attendance to answer questions from the community. Mr. Forman said that 14 members of the community attended the function.

He also announced that the Navy will host a Business Contracting Expo to provide an opportunity for local businesses to meet with Navy representatives and Navy contractors and learn about the available contracts on the base. The Small Business Administration (SBA) and Young Community Developers (YCD) will also be present to talk about employment opportunities. The Business Contracting Expo will be held from 10:30 A.M. to 3:30 P.M. on Saturday, March 27, at the E.P. Mills Auditorium. Mr. Forman thanked RAB members Jesse Mason and Maurice Campbell for their participation and help at the Economic Development Subcommittee meetings.

Mr. Forman also said that the Navy recently prepared another fact sheet (Number 6 in the series) that discusses that the radiological activities at Hunters Point at the metal reef and metal slag areas. He said copies are available as a handout in the back of the room.

Lynne Brown, RAB Community Co-Chair, had no announcements.

**Reminder: The next RAB meeting will be held from 6:00 to 8:00 P.M., Thursday evening, 22 April 2004 at Dago Mary's Restaurant, Building #916 on the Shipyard.**

## Subcommittee Updates

### Economic Development Subcommittee (Maurice Campbell, Leader)

Maurice Campbell, RAB member, encouraged people to come to the Business Contracting Expo on March 27<sup>th</sup>. He said they are expecting an appearance by some congressional delegates coming out to support the community.

Mr. Campbell said the next meeting of the subcommittee will be at 2:30 P.M., April 6<sup>th</sup>, at the Anna Waden Library.

### Ad-Hoc Radiological Subcommittee (Ahimsa Sumchai, Leader)

Ahimsa Sumchai, RAB member, said the subcommittee meeting coincided with the Navy's Historical Radiological Assessment Information Day. With regards to the subcommittee meeting, Dr. Sumchai said there was discussion about the findings of the HRA and conclusions in the document that did not appear fully supported by the information contained in the document. She added that Lea Loizos, RAB member, was concerned that there were some outstanding surveys that hadn't been included in the document and yet there were conclusions that were extrapolated from those surveys. Dr. Sumchai restated that she felt that some of the broad-sweeping conclusions in the HRA are not fully substantiated.

Dr. Sumchai also said that there is some concern about the Navy's decision to revise the Parcel A boundary to exclude two buildings and their impact on the proposed property transfer.

The Radiological Subcommittee will meet from 3:00-5:00 P.M. on April 21<sup>st</sup>, at the Greenhouse, located at 4919 Third Street, at Palou.

### Technical Review Subcommittee (Lea Loizos, Leader)

Lea Loizos, RAB member, said that the last meeting reviewed the Action Memorandum for the Time-Critical Removal Action (TCRA) for the soil removal at Parcel D. Ms. Loizos said a letter

1 was prepared at the subcommittee that presented a few concerns related to the proposed action.  
2 The letter was presented to Mr. Forman and copies were distributed to RAB members in  
3 attendance.

4 Ms. Loizos relinquished the remainder of her time to Kevyn Lutton, RAB member. Ms. Lutton  
5 said that the Parcel D Time-Critical Removal Action began 15 days before the deadline for  
6 submitting comments on the document. She said this demonstrates the Navy's disregard for the  
7 concerns on the community.

8 Ms. Loizos said that the Technical Review Subcommittee will meet from 6:00-8:00 P.M., April  
9 13<sup>th</sup>, at the Community Window on the Shipyard, 4634 Third Street. The topics of that meeting  
10 will be primarily related to the Parcel A property transfer and an update on landfill gas removal  
11 action.

12 A second subcommittee meeting, in conjunction with the Risk Review and Health Assessment  
13 Subcommittee, will meet to review and discuss HRA issues at 5:30 P.M., April 20<sup>th</sup>, at the  
14 Community Window on the Shipyard.

#### 15 Membership, Bylaws & Community Outreach Subcommittee (Melita Rines, interim leader)

16 Melita Rines, RAB member, gave the report for the Membership, Bylaws and Community  
17 Outreach Subcommittee and said handouts are available. She made a motion to accept Chris  
18 Hanif, Young Community Developers (YCD), as a new RAB member. Mr. Hanif introduced  
19 himself and stated his interest in joining the RAB. The motion to accept Mr. Hanif was carried.

20 Ms. Rines said that Marie J. Franklin is hereby removed the RAB due to excessive absences. A  
21 letter will be mailed informing Ms. Franklin of the determination. She said that Ms. Franklin will  
22 be encouraged to re-apply to the RAB.

23 Ms. Rines also passed out copies of the HPS RAB Bylaws and encouraged everybody to review  
24 them and begin thinking of changes or revisions, if necessary. She reminded the RAB that the  
25 Bylaws may only be revised at the August RAB meeting, but suggestions for changes will be  
26 collected throughout the year.

27 Lastly, Ms. Rines said the subcommittee is still has not heard from Don Capobres from the San  
28 Francisco Redevelopment Agency (SFRA) regarding the term-sheet from the San Francisco  
29 Police Department (SFPD). Ms. Rines said the subcommittee will not have an opportunity to  
30 review the term-sheet until later.

31 The next meeting of the Membership & Bylaws Subcommittee will be 6:30 P.M., April 14<sup>th</sup>, at  
32 the Anna Waden Branch Library.

#### 33 Update on Cleanup Projects for Dry Dock 4 and Parcel E Shoreline

34 Jose Payne, Navy Remedial Project Manager, introduced himself and said he will be giving two  
35 presentations this evening. The first will be on the topic of restoration projects completed at the  
36 Dry Dock 4 and Parcel E shoreline. After the break, he said the topic of his second presentation  
37 will be the metal debris reef and metal slag areas.

38 Mr. Payne began by showing on a map where Dry Dock 4 was located in Parcel C, and that  
39 restoration activities were completed over a period of five months. An additional restoration was  
40 conducted along the shoreline of Parcel E and Mr. Payne indicated that area on a map as well. He  
41 explained the reason the Navy conducted the restoration was to remove hazardous (e.g. asbestos)  
42 and non-hazardous waste (e.g. tires, wood, barges) as well as some recyclable materials, such as  
43 scrap metal. Mr. Payne said that the Navy recycled approximately \$20,000 worth of materials  
44 and the money went back into the environmental cleanup fund. He showed photographs of the

1 dry dock before and after the restoration. Mr. Payne pointed out some large cranes in the  
2 photograph and said the cranes are owned by Astoria Metals Corp. (AMC) from when they  
3 leased the dry dock from the Navy. He said that AMC has been contacted and will be removing  
4 the cranes in the next few months.

5 Mr. Payne also said that approximately 150 keel blocks from around the base were consolidated  
6 as part of the restoration activity. He explained that the keel blocks were placed in the dry docks  
7 and used as part of ship maintenance. They are non-hazardous, comprised of concrete and wood,  
8 and weigh between 2,000 and 2,500 pounds each. Mr. Payne said the keel blocks were staged at  
9 Building 336 and will remain when the Parcel is transferred.

10 Mr. Payne then explained the restoration activities conducted along the Parcel E shoreline.  
11 Similar types of waste were removed from all along the shoreline, such as metal debris, wood,  
12 concrete, and tires. Recyclable material was again collected and separated for recycling. He  
13 showed photographs of the cleanup process from all along the shoreline.

14 Mr. Payne concluded his presentation by saying that a number of local businesses were used as  
15 part of the Dry Dock 4 and Parcel E shoreline restoration; Young Community Developers  
16 (YCD), Circosta Metals, and Al Curry Trucking.

17 Break called at 6:55 P.M. Ms. Pendergrass called the meeting back to order at 7:10 P.M.

18 Ms. Pendergrass opened the floor for questions from the RAB. Georgia Oliva, RAB member,  
19 asked for laboratory reports on any radioactive hazardous waste removed from Dry Dock 4.  
20 Mr. Payne replied that the Navy scanned for radioactive material and none was detected.  
21 Ms. Oliva also commented that there is a lack of notification to the artists at the Shipyard prior to  
22 cleanup activities. Mr. Payne replied that the restoration activities at Dry Dock 4 and along the  
23 Parcel E shoreline did not include any excavation and was primarily limited to collection and  
24 disposal of scrap and debris.

25 Ms. Oliva also asked if the cranes remaining at Dry Dock 4 have been, or will be, scanned for  
26 radiological contamination. Mr. Payne replied that they have not. Pat Brooks, Navy Lead  
27 Remedial Project Manager, added that the cranes were not used during Operation Crossroads but  
28 were installed by AMC long after the Navy ceased operations at the Shipyard and therefore there  
29 is no reason to suspect they are impacted. Ms. Oliva requested that the Navy notify the artists at  
30 the Shipyard prior to demolition of the cranes. Mr. Forman replied that since the cranes are  
31 privately-owned, there is a chance that he will not be notified prior to AMC returning to remove  
32 them. He added that if AMC notifies him, he will certainly forward that to David Terzian, the  
33 master tenant.

34 Mr. Campbell said that a previous removal action in the panhandle of the Parcel E shoreline  
35 removed some radiological sites but that some were not removed due to debris blocking access.  
36 He asked if that radiological material has now been removed as part of the Parcel E shoreline  
37 restoration. Mr. Payne replied that those sites have not been removed. Mr. Forman added that  
38 this will be addressed in Mr. Payne's next presentation.

39 Charles Dacus, RAB member, asked what method was used for removal of the asbestos.  
40 Mr. Brooks replied that the asbestos removal was done in accordance with all the state and  
41 federal laws and was accomplished by a licensed asbestos removal contractor.

42 Ms. Lutton asked if the keel blocks have been, or will be, scanned for radiological  
43 contamination. Mr. Payne replied that they have not been scanned. Mr. Brooks added that the dry  
44 docks and the rest of the infrastructure, like the drain systems, are considered impacted. He said  
45 scanning the keel blocks is a good idea and he will forward that suggestion to Laurie Lowman  
46 (RASO).

1 Ms. Rines asked where the 46 truck-loads of waste were from. Mr. Payne replied it was from the  
2 Dry Dock 4 area.

### 3 **Parcel E Removal Actions at Metal Debris Reef and Metal Slag Area**

4 Mr. Payne began his second presentation on an upcoming TCRA at the metal debris reef and  
5 metal slag area on Parcel E. Using a poster board, Mr. Payne showed the area of the metal debris  
6 reef and the area of the metal slag. He said his presentation will provide a site background on  
7 both areas, briefly discuss prior investigations, and the reasons for the upcoming removal action.

8 Mr. Payne said that the Navy operated a smelter at Building 408 and a foundry in Building 241  
9 for about 20 years beginning in the 1940's. Together, they were used to make metal parts for  
10 ships. The metal slag area contains material from the smelting and from the foundry. Mr. Payne  
11 said apparently it was common practice to dispose of waste material along the shoreline. In total,  
12 the area is approximately 21,000 square feet and about 5 feet in depth. Some radiological point  
13 sources have been identified and attributed to instruments, gauges, and dials. Photographic slides  
14 accompanied Mr. Payne's presentation. Mr. Payne also described the metal debris reef area. He  
15 said the Navy had a burn site at that area. The material from the burn site went to the metal  
16 debris reef area. Similar types of material were disposed of at the metal debris reef, and some  
17 radiological point sources have also been identified in the area. In total, the metal debris reef area  
18 is approximately one-third larger than the metal slag area.

19 Two radiological surveys were completed at these areas. In 1991, an investigation identified  
20 radiation readings in the metal debris reef and metal slag areas. A second investigation in 2001  
21 confirmed the results from the 1991 surveys. Mr. Payne said the Navy is doing this removal  
22 action to eliminate any future potential risks due to migration of the radioactive material that  
23 might be on the surface or might come up to the surface of the metal debris reef or the metal slag  
24 area, or migration or release of this material into the San Francisco Bay by erosion or runoff.

25 The steps that will be taken, said Mr. Payne, include preparing a work plan for a site  
26 characterization to better determine the volume of the metal debris reef and the metal slag area.  
27 This work plan will be available for public review and comment once the draft is prepared. Then  
28 a second work plan will be prepared that will cover the excavation for both areas. Again, the  
29 work plan will be available for public review and comment. The radiological contaminated  
30 material will be separated from the bulk of the metal waste and disposed of at separate facilities  
31 off-site. The Navy will then prepare a third work plan which will address shoreline restoration.

32 Mr. Payne concluded his presentation by providing a time-line for the removal action. The  
33 process will begin in April 2004 with the site characterization work plan, with field work  
34 scheduled for June and August. A removal action work plan is scheduled for October, with the  
35 associated field work scheduled for June 2005 through November 2005. The shoreline  
36 restoration work plan is scheduled for December 2005.

37 Ms. Pendergrass opened the floor for questions. Mr. Campbell said he was concerned that the  
38 material used during the smelting process may have included radiological contaminated waste  
39 products and asked if either of the buildings have been surveyed. Mr. Brooks replied that the  
40 buildings have not been surveyed but are considered impacted in the HRA and they will be  
41 surveyed as part of that process. Mr. Campbell also asked about the Navy's designating this  
42 removal action as time-critical if the problem was identified and confirmed in 2001. Mr. Forman  
43 replied that there is a final basewide time-critical removal action for radiological sites and all of  
44 these types of sites will be conducted under that basewide action memorandum. He added that  
45 the series of work plans address the site-specific details to the work but the source document is  
46 that basewide time-critical removal action action memorandum.



1 Ms. Oliva asked why removal actions are being conducted before the HRA has been finalized, in  
2 view of the HRA being the first major step in the program. Mr. Forman replied that the Navy has  
3 continued to move forward with radiological surveys and follow-on removal actions while the  
4 HRA was being researched and prepared. Ms. Oliva said that she is concerned about the health  
5 risks of the radiological removal actions and requested that the work plans be posted in Building  
6 101. Mr. Forman replied that many RAB members receive copies of the work plans and that the  
7 work plans will be available for review by the general public at the Information Repositories.  
8 Ms. Pendergrass suggested that since copies of the work plans will be provided to the  
9 Radiological Subcommittee, perhaps a member of the subcommittee could coordinate with  
10 Ms. Oliva or the master tenant to get the information to the shipyard artists.

11 Lani Asher, RAB member, asked for further clarification about why the Navy characterized  
12 these removal actions as time-critical. She said that in doing so, public participating in the  
13 decision-making process is completely circumvented. She asked how the basewide designation  
14 was reached, and added that the majority of the RAB members disagree with that decision.  
15 Mr. Forman replied that the Action Memorandum for the basewide time-critical removal action  
16 for radiological sites first came out in 1999 or 2000 for regulator and public review, and was  
17 finalized in 2001. Community and regulator input on that draft document happened at that time.  
18 Ms. Asher asked if the decision was made by the Navy or the regulators. Mr. Forman replied it  
19 was the Navy. Ms. Asher stated that she is extremely unhappy with this situation which allows  
20 the Navy to proceed in this manner without community input.

21 Andrew Bozeman, alternate for RAB member Marie Harrison, asked about the possibility that  
22 material has already migrated off the site due to erosion and run-off in the time since the areas  
23 were first surveyed in 1991. Mr. Forman replied that there is that possibility. Since the metal  
24 debris reef and metal slag areas are along the shoreline of Parcel E, material migrating off-site  
25 would likely end up in Parcel F. He said the Navy has conducted sampling in Parcel F, the results  
26 to be included in the Draft Final Validation Study scheduled for publication in June 2004, and  
27 further sampling in Parcel F is also planned.

28 Dr. Sumchai commented that Mr. Forman's reply to Mr. Bozeman contradicts one of the final  
29 conclusions of the HRA, which states that no contaminant migration pathway off the Shipyard  
30 has been identified. She said that Mr. Payne's presentation indicates that the metal slag area  
31 presents a potential for migration and release of radioactive materials into the bay. She  
32 particularly objected to the use of the term "potential" when describing the possibility of  
33 migration off site. She stated that the conclusions in the HRA are inaccurate and insisted that  
34 they be revised. Mr. Forman replied that Dr. Sumchai's concern is misplaced. He explained how  
35 potential migration of contaminants from the metal slag area or the metal reef area into the bay  
36 means migration of heavy metals into the sediment just off shore, which is Parcel F. Migration  
37 from Parcel E to Parcel F does not constitute a migration pathway off the Shipyard.

38 J.R. Manual, RAB member, asked for further clarification on the process the Navy used to  
39 determine that this cleanup is time-critical. He asked if there was some established process or  
40 protocol that was used. Mr. Brooks replied that there is a process to determine if something can  
41 be considered time-critical and the process was followed. Mr. Manual suggested that a  
42 presentation should be made at one of the subcommittees outlining the process. He also asked  
43 why anybody would want to slow down or delay the Navy's efforts at cleaning up the Shipyard.  
44 Mr. Forman replied that he would be happy to make a presentation on the guidelines and  
45 definitions the Navy uses. He also agreed with Mr. Manual about the Navy actively working to  
46 clean up the Shipyard, and said it seems the Navy ought to have the complete and full support of  
47 the community. Ms. Pendergrass closed the question and answer period for the presentation and  
48 opened the floor to final presentation.

1 **Parcel A and the Finding of Suitability for Transfer (FOST)**

2 Ms. Pendergrass indicated that the RAB meeting was running long and asked Mr. Forman to  
3 condense his presentation to fit within the remaining 5-10 minutes. Mr. Forman began his  
4 presentation with an outline and said the Parcel A boundaries have recently been redrawn to  
5 allow the transfer process to continue. He also said that the Navy have released the draft Final  
6 Finding of Suitability to Transfer (FOST). Mr. Forman added that the draft FOST was initially  
7 released 16 months ago and that much has happened since that time. He said his presentation  
8 would conclude with a current schedule for the FOST.

9 Mr. Forman said the changes to the Parcel A boundary are in Parcel E East. Building 813,  
10 Building 819, and the sanitary sewer have been excluded from Parcel A due to information in the  
11 HRA that indicates they are considered impacted and warrant further investigation. Mr. Forman  
12 stressed that the term "impacted", as related to the HRA, was discussed in detail last month and  
13 simply means that it has the potential for some radiological contamination – it does not  
14 necessarily mean that there is any.

15 Mr. Forman also discussed the rationale behind the proposed property transfer. He said that the  
16 Navy is required by federal law to convey Parcel A once it has been cleaned up. He said that now  
17 that the Record of Decision (ROD) and FOST have been completed, Base Realignment and  
18 Closure (BRAC) law requires the Navy to convey the property to the local reuse authority – in  
19 this case the City of San Francisco. Mr. Forman said the consequence of these impacted sites on  
20 Parcel A left the Navy with the choice of postponing the property transfer until after further  
21 radiological investigations or redraw the boundary to exclude them and proceed with the  
22 property transfer.

23 Mr. Forman also discussed some additional information in the FOST related to two other  
24 buildings, 816 and 821, as well as a satisfactory resolution on the groundwater issue. He also  
25 discussed the Parcel E Landfill and the methane gas removal action. Mr. Forman said that results  
26 of monthly monitoring has indicated that methane is not migrating to Crisp Avenue gas  
27 monitoring probes, which were installed near the border of Parcel E/A boundary.

28 Mr. Forman concluded the presentation with the FOST schedule. The 30-day public and  
29 regulatory review comment period on the FOST began on March 19<sup>th</sup>. At the conclusion of the  
30 comment period, the City of San Francisco has 7 days to concur with the finding of the  
31 document. The Final FOST will be prepared on May 11<sup>th</sup>. The Navy commanding officer will  
32 then sign the Final FOST on behalf of the Navy on May 18<sup>th</sup>. Public notices will be placed in  
33 local newspapers announcing the signing of the Final FOST on May 25<sup>th</sup> with the actual  
34 conveyance occurring on 15 June 2004.

35 Ms. Pendergrass said that the RAB meeting has gone beyond the scheduled ending time. She  
36 said the RAB will take a short break and take questions when the meeting reconvenes.

37 Break called at 810 P.M. Ms. Pendergrass called the meeting back to order at 8:15 P.M.

38 Mr. Brown made a motion to extend the RAB meeting for 15 minutes to allow more time for  
39 questions and answers. The motion was approved by the RAB.

40 Mr. Campbell asked if the Navy had considered the combined effects of liquefaction of the  
41 Parcel E landfill and breach of the methane barrier as it relates to Parcel A and the conveyance.  
42 Mr. Brooks replied that in the event that a large earthquake compromises the methane barrier, the  
43 monthly monitoring would detect it. Mr. Campbell asked if that means the Navy will continue  
44 the monthly monitoring as long as the landfill generates gas, to which Mr. Brooks replied that  
45 they will.

1 Dr. Sumchai stated that information contained in the original Parcel A ROD is cause for concern  
2 regarding the proposed conveyance. She summarized some information and conclusions from a  
3 number of other Parcel A decision documents that she believes have not been adequately  
4 addressed in the FOST. This included a discussion of detection of chemicals of potential concern  
5 on Parcel A that exceed the Hazard Index for protection of human health and the environment, as  
6 well as cancer risks that exceed the EPA risk range. Dr. Sumchai continued to explain that the  
7 Navy calculated a Hunters Point Ambient Level to explain away these high concentrations of  
8 chemicals, such as arsenic, chromium, and manganese. She said she disagrees with the rationale  
9 behind the Hunters Point Ambient Level – the levels are not truly ambient since they came from  
10 bay fill – and said it was used by the Navy to avoid taking cleanup actions on Parcel A.  
11 Ms. Pendergrass suggested that Dr. Sumchai put this information into the form of a presentation  
12 for the next RAB meeting instead of taking time during this question and answer period. A  
13 motion to that effect was made and carried.

14 Ms. Lutton said that the public comment period for the FOST began on March 19<sup>th</sup> but was just  
15 finding out about it tonight, and therefore asked for a one-week extension. Mr. Forman replied  
16 that he did not have the authority to make that decision but would look into the request.

17 Mr. Manual asked who was responsible for preparing the report. Mr. Forman replied that Tetra  
18 Tech prepared the report with direct involvement from the Navy.

19 Ms. Rines asked for comment from the Navy on a newspaper article that stated that Mayor  
20 Newsome recently traveled to Washington D.C. to discuss the property transfer. Ms. Rines said  
21 that the article gave the impression that the Navy opposed the transfer. Mr. Forman replied that  
22 he was aware the Mayor traveled to D.C. to meet with the Secretary of the Navy to discuss  
23 conveyance agreement issues but does not know the specifics of his meeting there.

24 Mr. Campbell seconded Ms. Lutton's request for an extension on the public comment period,  
25 stating that he only just received the document a few days ago. Mr. Forman restated that he  
26 would make that request to the appropriate chain of command.

#### 27 **Future Agenda Topics**

28 Aside from the standard agenda topics and subcommittee updates, the following topic was  
29 proposed for the April RAB meeting:

- 30 • A presentation by Dr. Sumchai on issues related to the Parcel A FOST.

#### 31 **Other Discussions/Topics**

32 The following items were also discussed at the RAB meeting. A verbatim account of these  
33 discussions is included in the Information Repository for HPS and may also be found on the HPS  
34 web page at [www.efds.w.navy.mil/Environmental/HuntersPoint.htm](http://www.efds.w.navy.mil/Environmental/HuntersPoint.htm)

- 35 • The RAB approved a motion to request an extension for the public comment period on  
36 the Parcel A FOST until 27 April 2004.

37 There were no further announcements. The meeting was adjourned at 8:40 p.m.

38 **Reminder: The next RAB meeting will be held from 6:00 to 8:00 P.M., Thursday evening,**  
39 **22 April 2004 at Dago Mary's Restaurant, Building #916 on the Shipyard.**

## ATTACHMENT A

**25 MARCH 2004 - RAB MEETING**  
**LIST OF ATTENDEES**

<b>Name</b>	<b>Association</b>
1. Christine M. Niccoli	Niccoli Reporting, court reporter
2. Marsha Pendergrass	Pendergrass & Associates
3. Keith Forman	<b>Navy, RAB Co-chair</b>
4. Pat Brooks	Navy, Lead Remedial Project Manager
5. Jose Payne	Navy, Remedial Project Manager
6. Lee Saunders	Navy, Public Affairs Office (PAO)
7. Peter Stroganoff	Navy, ROICC Office
8. Lynne Brown	<b>RAB Community Co-chair</b> , Communities for a Better Environment, CFC
9. Lani Asher	RAB member, Communities for a Better Environment, CFC
10. Barbara Bushnell	RAB member, ROSES, Silverview Terrace Homeowners Association
11. Andrew Bozeman	Alt for RAB member Marie Harrison
12. Maurice Campbell	RAB member, BDI, CFC, New California Media
13. Charles Dacus	RAB member, R.O.S.E.S.
14. Mitsuyo Hasegawa	RAB member, JRM Associates
15. Lea Loizos	RAB member, ARC Ecology
16. Kevyn Lutton	RAB member, resident
17. J.R. Manual	RAB member, JRM Associates
18. Alan Nunley, Jr.	RAB member, resident
19. Georgia Oliva	RAB member, CBE, CCA member
20. Karen Pierce	RAB member, BVHP Democratic Club, HEAP
21. Melita Rines	RAB member, India Basin Neighborhood Association
22. Ahimsa Sumchai	RAB member, BVHP Health and Environmental Resource Center
23. Amy Brownell	RAB member, SF Dept of Public Health
24. Tom Lanphar	RAB member, Dept Toxic Substances Control
25. James Ponton	RAB member, SF Regional Water Quality Control Board
26. Michael Work	RAB member, US EPA
27. Arvind Acharya	Innovative Technical Solutions, Inc
28. Michael Boyd	CARE
29. Ross Braver	
30. Patricia Brown	Shipyard artist
31. Don Capobres	San Francisco Redevelopment Agency
32. Linda Carlsen	Bayview-Hunters Point
33. Francisco Da Costa	Environmental Justice Advocacy
34. Benjamin Feick	Waste Solutions Group
35. Miguel Galarza	Yerba Buena Engineering & Construction Inc.
36. Chris Hanif	Young Community Developers (YCD)
37. Carolyn Hunter	Tetra Tech EM Inc
38. Ronald Keichline	Innovative Technical Solutions, Inc
39. Dennis Kelly	Tetra Tech EM Inc
40. Lau Kitiona	
41. Firdy Liu	M.A.I.T.
42. Quijuan Maloof	Pendergrass & Associates
43. Debra Moore	Innovative Technical Solutions, Inc
44. James Morrison	Environmental Technology
45. Sherlina Nageer	Literacy for Environmental Justice
46. Albert Patterson	
47. Dennis Robinson	Shaw Environmental & Infrastructure, Inc

48. Matthew L. Shaps, Esq.	Paul Hastings LLP for Lennar
49. Clifton J. Smith	CJ Smith and Assonates, Eagle Environmental Construction
50. Sue Ellen Smith	Morgan Heights Homeowners Association
51. Glenn Starr	Tetra Tech Foster Wheeler
52. David Terzian	The Point
53. Winnie Tran	
54. Allison Turner	Katz & Associates
55. Stacie Wissler	CDM/Kleinfelder
56. Stephanie Yow	Office of Congresswoman Nancy Pelosi

## ATTACHMENT B

25 MARCH 2004 - RAB MEETING  
ACTION ITEMS

Item No.	Action Item	Due Date	Person/Agency Committing to Action Item	Resolution Status
Carry-Over Items				
1.	none			
New Items				
1.	Navy to respond to letter from Kevyn Lutton (introduced at the March RAB meeting) objecting to beginning Parcel D removal action activities prior to closing of comment period	April RAB	Navy	
2.	ITSI to forward to RAB members an electronic copy of letter from Kevyn Lutton	ASAP	ITSI/ Ronald Keichline	E-mailed to RAB on 13 April
3.	Navy to provide list of items/material removed during Dry Dock 4 and Parcel E Shoreline restoration	April RAB	Navy/ Keith Forman	
4.	Navy to notify David Terzian and Navy Caretaker Site Office prior to removal of AMC's cranes at Dry Dock 4	ASAP	Navy/ Keith Forman	
5.	Status of request for 7-day extension on public comment period for Parcel A FOST	ASAP	Navy/Keith Forman	Public comment period extended to 26 April 04.

1  
2  
3  
4  
5 HUNTERS POINT SHIPYARD  
6 RESTORATION ADVISORY BOARD  
7  
8  
9  
10 REPORTER'S TRANSCRIPT OF MEETING  
11  
12 April 22, 2004  
13  
14 Dago Mary's Restaurant  
15 Hunters Point Shipyard, Building 916  
16 Donahue Street at Hudson Avenue  
17 San Francisco, California  
18  
19 Reported by Christine M. Niccoli, RPR, C.S.R. No. 4569  
20 -----  
21 NICCOLI REPORTING  
22 619 Pilgrim Drive  
23 Foster City, CA 94404-1707  
24 (650) 573-9339  
25 CERTIFIED SHORTHAND REPORTERS SERVING THE BAY AREA

Page 1

1 PARTICIPANTS  
2  
3 FACILITATOR: MARSHA PENDERGRASS - Pendergrass &  
4 Associates  
5 CO-CHAIRS: KEITH FORMAN - United States Navy SWDIV  
6 LYNNE BROWN - Communities for a Better  
7 Environment (CBE), Community  
8 First Coalition (CFC)  
9  
10 RAB MEMBERS  
11  
12 LANI ASHER - Communities for a Better Environment (CBE),  
13 Community First Coalition (CFC)  
14 BARBARA BUSHNELL - Residents of the Southeast Sector  
15 (R.O.S.E.S.), Silverview Terrace Homeowners  
16 Association, resident  
17 MAURICE CAMPBELL - Business Development, Inc. (BDI);  
18 Citizens Advisory Committee, Community First Coalition  
19 (CFC); New California Media; NEW BAYVIEW NEWSPAPER  
20 CHARLES L. DACUS, SR. - Hunters Point resident,  
21 Residents of the Southeast Sector (R.O.S.E.S.)  
22 CHRIS HANIF - Young Community Developers (YCD)  
23 MITSUYO HASEGAWA - JRM Associates  
24 TOM LANPHAR - California Department of Toxic Substances  
25 Control (DTSC)

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1 RAB MEMBERS [Cont.]:  
2  
3 JACQUELINE ANN LANE - U.S. Environmental Protection  
4 Agency (EPA)  
5 LEA LOIZOS - Arc Ecology  
6 KEVYN D. LUTTON - Resident  
7 J. R. MANUEL - JRM Associates, India Basin resident  
8 JESSE MASON - Community First Coalition (CFC)  
9 GEORGIA OLIVA - Communities for a Better Environment  
10 (CBE), CCA member  
11 KAREN G. PIERCE - Bayview Advocates, Bayview-Hunters  
12 Point Democratic Club, BVHP Health & Environmental  
13 Assessment Program, HEAP  
14 JAMES D. PONTON - San Francisco Bay Regional Water  
15 Quality Control Board  
16 MELITA RINES - India Basin Neighborhood Association  
17 SEALI'IMALIETO A SAM RIPLEY - Samoan American Media  
18 Services  
19 AHIMSA PORTER SUMCHAI - Bayview-Hunters Point Health &  
20 Environmental Resource Center (HERC)  
21 KEITH TISDELL - Hunters Point resident  
22 RAYMOND TOMPKINS - Bayview-Hunters Point Coalition on  
23 the Environment  
24 MICHAEL WORK - U.S. Environmental Protection Agency (EPA)  
25 ---oOo---

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1 OTHER ATTENDEES  
2  
3 ARVIND ACHARYA - Innovative Technical Solutions, Inc.  
4 (I.T.S.I.)  
5 RYAN AHLERSMEYER - United States Navy  
6 DOUG BIELSKIS - Tetra Tech EM Inc.  
7 ERICA BOLDEN - Young Community Developers (YCD)  
8 PATRICK BROOKS - United States Navy  
9 MAURICE BROWN - Young Community Developers (YCD)  
10 PATRICIA BROWN - Shipyard artist  
11 A.DON CAPOBRES - San Francisco Redevelopment Agency  
12 DEBORAH CARROLL - The Point  
13 MARIAN CHAPMAN  
14 GLENN CHRISTENSEN - United States Navy  
15 FRANCISCO DA COSTA - Environmental Justice Advocacy  
16 SHARLISSA EVANS - Young Community Developers (YCD)  
17 BENJAMIN FEICK - Waste Solutions Group (WSG)  
18 MARIE J. FRANKLIN - Shoreview Environmental Justice  
19 Movement Inc.  
20 ANDRE FREEMAN - Young Community Developers (YCD)  
21 MARK A. GELSINGER - United States Navy  
22 RENE GONZALVEZ - Alpha & Omega Evangelistic Ministries  
23 NEIL HART - Tetra Tech FW, Inc. (TTFWI)  
24 TRINA HILL - Young Community Developers (YCD)  
25 CAROLYN HUNTER - Tetra Tech EM Inc.

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1 OTHER ATTENDEES [Cont.]: 2 3 ESPANOLA JACKSON - Muwekma Ohlone, BVHP 4 KEN JOHNSON - Channel 29 5 MARQUES J. JONES - Young Community Developers (YCD) 6 RONALD WM. KEICHLINE - Innovative Technical Solutions, 7 Inc. (I.T.S.I.) 8 SEBRINA LaFLEUR 9 ANDY LAKALAKA - Samoa Media Service 10 MATTHEW W. LENZ - United States Navy ROICC Office 11 MORGAN Malfatti - Young Community Developers (YCD) 12 QUIJUAN MALOOF - Pendergrass & Associates 13 DEBRA MOORE - Innovative Technical Solutions, Inc. 14 (I.T.S.I.) 15 SHERLINA NAGEER - Literacy for Environmental Justice 16 (LEJ) 17 RALPH PEARCE - United States Navy 18 DENNIS M. ROBINSON - Shaw Environmental & 19 Infrastructure, Inc. 20 PAUL RODRIGUEZ - Young Community Developers (YCD) 21 LEE H. SAUNDERS - United States Navy 22 BERNADETTE SCARBROUGH - Young Community Developers (YCD) 23 MATTHEW L. SHAPS, ESQ. - Paul Hastings LLP for Lennar 24 CLIFTON J. SMITH - C.J. Smith & Associates, Eagle 25 Environmental Construction  Page 5	1 SAN FRANCISCO, CALIFORNIA, THURSDAY, APRIL 22, 2004 2 6:01 P.M. 3 ---oOo--- 4 MS. PENDERGRASS: Let's convene this meeting 5 tonight of the . . . 6 (Sotto voce discussion.) 7 MS. PENDERGRASS: All right. Good evening, 8 everybody. Tonight we're starting our Tuesday [sic], 9 April 22nd, Hunters Point Shipyard Restoration Advisory 10 Board meeting. Welcome, everyone. 11 And as always, we'll start with introductions 12 tonight. The RAB is around the table, RAB members and 13 those regulators around the table, audience around the 14 edges there. We will start with RAB members tonight as 15 introduction, and then we'll introduce the audience. 16 In an effort to make the job easier for our 17 court reporter, Miss Christine, we would like for you to 18 talk up nice and loud tonight. Speak clearly your names 19 so we can go on the record. And as you all know, these 20 proceedings in their totality -- every word, verbatim -- 21 is on the Web site the Navy has put up. 22 MR. TOMPKINS: Do we have a quorum to call the 23 meeting, enough members? 24 MS. PENDERGRASS: We don't need a quorum to 25 start introduction.  Page
1 OTHER ATTENDEES [Cont.]: 2 3 CYNTHIA STOKES - Resident 4 PETER STROGANOFF - United States Navy ROICC Office 5 WAYZATA TURNER - Young Community Developers (YCD) 6 JULIA VETROMILE - Tetra Tech EM Inc. 7 ELAINE C. WARREN, ESQ. - San Francisco Office of City 8 Attorney (guest speaker) 9 PETER WILSEY - San Francisco Department of Public Health 10 ---oOo---  Page 6	1 MR. TOMPKINS: Okay. 2 MS. PENDERGRASS: We will have one tonight, no 3 doubt. 4 MR. TOMPKINS: Hopefully. 5 MS. PENDERGRASS: All right. Let's get 6 started, and we'll start with the man chewing gum on the 7 left. 8 MR. TOMPKINS: I love you too. 9 MS. BUSHNELL: Thank you. 10 MR. BROWN: I'm Lynne Brown, co-chair of the 11 Restoration Advisory Board. 12 MR. FORMAN: I'm -- I'm Keith Forman. I'm the 13 Navy BRAC Environmental Coordinator and the Navy 14 co-chair. 15 MS. PENDERGRASS: Okay. 16 MR. BROOKS: I'm Pat Brooks. I'm the Navy lead 17 Remedial Project Manager. 18 MR. WORK: Michael Work with U.S. EPA. 19 MR. PONTON: Jim Ponton with the San Francisco 20 Regional Water Quality Control Board. 21 MR. HANIF: Chris Hanif, Young Community 22 Developers. 23 MS. BUSHNELL: Barbara Bushnell, RAB, ROSES, 24 Silverview Terrace Homeowners Association. 25 MS. PENDERGRASS: Welcome.  Page 8



1 MR. RIPLEY: Seali'imalietoa Sam Ripley with  
2 Samoan American Media Services.  
3 DR. SUMCHAI: Ahimsa Sumchai, RAB.  
4 MR. MALOOF: Quijuan Maloof, Pendergrass &  
5 Associates.  
6 MR. KEICHLINE: Ronald Keichline, I.T.S.I.  
7 MR. CAMPBELL: Maurice Campbell, Community  
8 First Coalition, RAB member.  
9 MS. PENDERGRASS: You have to speak up there  
10 now.  
11 MR. CAMPBELL: RAB member. How's that?  
12 MS. PENDERGRASS: Thank you so much.  
13 MS. OLIVA: Georgia Oliva, Shipyard artist and  
14 RAB member.  
15 MR. TOMPKINS: Raymond Tompkins, RAB member.  
16 I'll leave it at that.  
17 MS. PENDERGRASS: All right. Start back here,  
18 sir.  
19 MR. JOHNSON: Ken Johnson, working with  
20 Channel 29.  
21 MS. PENDERGRASS: Ken Johnson, working with  
22 Channel 29.  
23 MR. ROBINSON: Dennis Robinson, Shaw  
24 Environmental.  
25 MS. PENDERGRASS: Thank you.

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1 MR. BROWN: Maurice Brown, Young Community  
2 Developers,  
3 MS. PENDERGRASS: Maurice Brown, Young  
4 Community Developers.  
5 MS. HILL: Trina Hill, Young Community  
6 Developers.  
7 MS. PENDERGRASS: Trina Hill.  
8 MR. FREEMAN: Andre Freeman, Young Community  
9 Developers.  
10 MS. PENDERGRASS: All right.  
11 Yes, ma'am.  
12 MS. VETROMILE: Julia Vetromile, Tetra Tech.  
13 MS. PENDERGRASS: Julia . . .  
14 MS. VETROMILE: . . . Vetromile.  
15 MS. PENDERGRASS: Vetromile, Tetra Tech. All  
16 right.  
17 Yes, sir.  
18 MR. GELSINGER: Mark Gelsinger, Navy  
19 contracting officer.  
20 MS. PENDERGRASS: Christine, did you get that?  
21 THE REPORTER: (Nods.)  
22 MS. PENDERGRASS: Yes, sir.  
23 MR. PEARCE: Ralph Pearce, Navy Remedial  
24 Project Manager.  
25 MS. PENDERGRASS: Yes, sir, Mr. Pearce.

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1 MR. STROGANOFF: Peter Stroganoff with the Navy  
2 ROICC office.  
3 MR. LENZ: Matt Lenz with the Navy ROICC  
4 office.  
5 MS. LANE: Jackie Lane, EPA community  
6 involvement.  
7 MS. JACKSON: Espanola Jackson.  
8 MR. GONZALVEZ: Rene Gonzalvez, Alpine & Omega  
9 Evangelistic Ministries.  
10 MS. PENDERGRASS: Can you say it again, sir?  
11 MR. GONZALVEZ: Rene Gonzalvez.  
12 MS. PENDERGRASS: Rene Gonzalvez. Okay. Yes,  
13 sir.  
14 Lea?  
15 MS. LOIZOS: Hi. I'm Lea Loizos, Arc Ecology.  
16 MS. PENDERGRASS: Okay. Very good.  
17 And if we can start over here, sir, with the  
18 camera. Sir?  
19 MR. LAKALAKA: Andy Lakalaka for Samoa Media  
20 Services.  
21 MS. PENDERGRASS: What's your name, sir?  
22 MR. LAKALAKA: Andy Lakalaka.  
23 MS. PENDERGRASS: Andy . . .  
24 MR. FORMAN: . . . Lakalaka.  
25 MS. PENDERGRASS: Okay. Very fine. Thank you.

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1 MR. CHRISTENSEN: Glenn Christensen, Navy RPM.  
2 MS. PENDERGRASS: Thank you, sir.  
3 MR. RODRIGUEZ: Paul Rodriguez, Young Community  
4 Developers.  
5 MS. PENDERGRASS: That was Paul Rodriguez,  
6 Young Community Developers.  
7 MR. JONES: Marques Jones, Young Community  
8 Developers.  
9 MS. PENDERGRASS: Marques Jones.  
10 MS. TURNER: Wayzata Turner, Young Community  
11 Developers.  
12 MS. PENDERGRASS: Spell Wayzata.  
13 MS. TURNER: W-a-y-z-a-t-a.  
14 MS. PENDERGRASS: W-a-y-z-a-t-a. Beautiful  
15 name. What's your last name again?  
16 MS. TURNER: Turner.  
17 MS. PENDERGRASS: Turner. Thank you. And  
18 you're with YCD as well?  
19 MS. TURNER: Yes.  
20 MS. PENDERGRASS: Thank you, ma'am.  
21 MS. SCARBROUGH: Bernadette Scarbrough, Young  
22 Community Developers.  
23 MS. PENDERGRASS: Bernadette . . .  
24 MS. SCARBROUGH: . . . Scarbrough.  
25 MS. PENDERGRASS: Scarbrough?

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1 MS. SCARBROUGH: Yes, ma'am.	1 changes or suggestions or comments regarding the agenda
2 MS. PENDERGRASS: Thank you.	2 from any of the RAB members?
3 MS. BOLDEN: Erica Bolden, Young Community	3 I don't see any hands. All right. We'll
4 Developers.	4 accept this agenda as it is.
5 MS. PENDERGRASS: Erica Boldon?	5 Can I remind all of the RAB members and
6 MS. BOLDEN: Bolden.	6 audience to please sign in at -- at the back table,
7 MS. PENDERGRASS: Bolton?	7 there's a sign-in sheet. For RAB members, it's
8 MS. BOLDEN: Bolden.	8 important to keep your membership up. For the audience,
9 MS. PENDERGRASS: Bold- --	9 it's important if you'd like to be on our mailing list.
10 MR. ATTENDEE: Bolding [phonetic].	10 And you know what? Carolyn.
11 MS. PENDERGRASS: Bolding [phonetic]. Thank	11 MS. HUNTER: That's okay.
12 you. I'm sorry. Slow, but sure, back here.	12 MS. PENDERGRASS: Okay. Go ahead.
13 Yes, ma'am.	13 MS. HUNTER: All right. Carolyn Hunter, Tetra
14 MS. EVANS: Sharlissa Evans, Young Community	14 Tech.
15 Developers.	15 MS. PENDERGRASS: I'm sorry.
16 MS. PENDERGRASS: Sharlee?	16 MS. HUNTER: That's okay.
17 MS. EVANS: Sharlissa.	17 MS. PENDERGRASS: All right. Has everybody had
18 MS. PENDERGRASS: Sharlissa Evans. Thank you.	18 a chance to look at the minutes? I would just like to
19 Yes, sir.	19 draw attention to how beautiful our minutes look with
20 MR. MALFATTI: Morgan Malfatti, Young Community	20 the little numbers running down the side and letters
21 Developers.	21 across the page, nice black-and-white contrast.
22 MS. PENDERGRASS: Morgan . . .	22 Thank you, Mr. Keichline, for these wonderful
23 MR. MALFATTI: . . . Malfatti.	23 minutes.
24 MS. PENDERGRASS: Malfatti. We'll handle that	24 MR. TISDELL: And the stenographer for taking
25 one. All right.	25 them, thank you for being patient with us.
Page 13	Page
1 Yes, sir.	1 MS. PENDERGRASS: They are so beautiful.
2 MR. AHLERSMEYER: Ryan Ahlersmeyer, Navy RPM.	2 They're just a work of literary genius.
3 MS. PENDERGRASS: Ryan, yes, sir.	3 Moving right along with the minutes, any
4 MR. HART: Neil Hart, Tetra Tech.	4 comments to the minutes?
5 MS. PENDERGRASS: Neil Hart. Okay.	5 Yes.
6 And we had some RAB members that have just --	6 MS. LOIZOS: Well, my only suggestion is that
7 Mr. Mason?	7 maybe if we could get the minutes, like, even a day or
8 MR. MASON: Jesse Mason, resident.	8 two earlier than we do. Sometimes -- like, I didn't get
9 MS. PIERCE: Karen Pierce, Bayview-Hunters	9 them in the mail until yesterday, and that's not always
10 Point Democratic Club and Bayview-Hunters Point Health &	10 enough time to review them.
11 Environmental Assessment Task Force.	11 MS. PENDERGRASS: You're not getting them via
12 MR. DACUS: Charles L. Dacus, ROSES and RAB.	12 e-mail?
13 MS. PENDERGRASS: Charles Dacus. All right.	13 MS. LOIZOS: I got the E-mail, I think, also
14 Yes, yes, sir.	14 twice.
15 MR. TISDELL: Keith Tisdell, RAB member,	15 MS. PENDERGRASS: I got it last week. So --
16 resident.	16 MS. LOIZOS: Oh, yeah.
17 MS. PENDERGRASS: Okay. Did we miss anybody?	17 MS. PENDERGRASS: So maybe it just came late
18 All right. Very fine.	18 for you.
19 As a reminder, please turn off your cell phones	19 Mr. Keichline, can you do a li- -- can you try
20 and pagers. And if you have anything to say tonight, we	20 to do that a little better?
21 would like to make sure that you get a microphone, and	21 MR. KEICHLINE: Sure, we'll work to get those
22 Mr. Maloof or Mr. Keichline will make sure you get that	22 out faster.
23 so that you can be heard tonight.	23 MS. LOIZOS: Not weeks, but, you know.
24 Has everybody had a chance to get an agenda?	24 MS. PENDERGRASS: Yeah. That would be great.
25 And then they're on the back table back there. Any	25 Yes, ma'am, Miss Bushnell.
Page 14	Page 16

1 MS. BUSHNELL: Yes. I'm -- I'm dealing with  
2 page 3 --  
3 MS. PENDERGRASS: Yes, ma'am.  
4 MS. BUSHNELL: -- line 20.  
5 MS. PENDERGRASS: Yes, ma'am. I'm there with  
6 you.  
7 MS. BUSHNELL: And this has to do with removal  
8 of RAB members.  
9 MS. PENDERGRASS: Yes.  
10 MS. BUSHNELL: For -- I put out an e-mail,  
11 which I think was just sent out. The -- Apparently,  
12 there was an assumption that calendar year means  
13 12 months from today till 12 months back --  
14 MS. PENDERGRASS: Yes, ma'am.  
15 MS. BUSHNELL: -- where in the dictionary,  
16 calendar year is something that begins in January and  
17 ends in December.  
18 MS. PENDERGRASS: Yes, ma'am.  
19 MS. BUSHNELL: And so decisions was made to  
20 throw three members off the RAB because they missed four  
21 meetings in the 12 months when they looked at it.  
22 And I requested that they send apologies to the  
23 three people that were thrown off inappropriately. I  
24 did not receive any response 'cause it was a short  
25 notice on that.

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1 MS. PENDERGRASS: All right.  
2 MS. BUSHNELL: But there seems to be some  
3 misunderstanding of what calendar year means, although I  
4 think the dictionary's pretty clear and the bylaws were  
5 pretty clear about it. So --  
6 MS. PENDERGRASS: All right. Miss Bushnell, at  
7 this point, we do have the Bylaws Committee here  
8 tonight. They will be reporting at that time. Is it  
9 all right if they --?  
10 MS. BUSHNELL: The Bylaws Committee canceled  
11 their meeting this month. So there was no opportunity  
12 for the people who were thrown off to reapply.  
13 MS. PENDERGRASS: Okay.  
14 MS. BUSHNELL: So this --  
15 MS. PENDERGRASS: Just a --  
16 MS. BUSHNELL: -- again says, "Okay, we changed  
17 the rules, and then we canceled the meeting," so they  
18 can't even reapply and come back on.  
19 So where -- where is this? What --? Who's --  
20 MS. PENDERGRASS: I un- --  
21 MS. BUSHNELL: -- interpreting?  
22 MS. PENDERGRASS: I understand your concerns,  
23 and I -- and we can certainly address that concern and  
24 have an answer and discussion when we have committee  
25 reports.

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1 MS. BUSHNELL: Okay, but what I -- my question  
2 is, it only mentions one person in this, and there were  
3 in fact four people dismissed.  
4 So I'm questioning how accurate these minutes  
5 are in regards to the people that are mentioned as  
6 being -- not being on the board anymore.  
7 MS. PENDERGRASS: Yes, ma'am.  
8 In terms of the accuracy of the minutes,  
9 Mr. Keichline, can you address that?  
10 MR. KEICHLINE: Certainly, I can. The three  
11 other RAB members were removed last month, and that's  
12 reported in the February minutes. So only Miss Franklin  
13 was removed in March.  
14 MS. PENDERGRASS: And in -- for the -- for the  
15 rest of the discussion on that, though, we'll certainly  
16 take that up with the Bylaws Committee as they do their  
17 report, but there's no changes as noted to these  
18 particular minutes for this month.  
19 Any changes or other comments regarding the  
20 minutes? I'm calling for the question. Someone needs  
21 to call the question.  
22 MR. TOMPKINS: I call for the question.  
23 MS. PENDERGRASS: Question is whether to accept  
24 these minutes as --  
25 MS. PIERCE: I move the minutes be accepted as

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1 presented.  
2 MS. PENDERGRASS: Okay.  
3 Second to that?  
4 MR. TISDELL: Second.  
5 MS. PENDERGRASS: All right, we have a second.  
6 All in favor of accepting the minutes --  
7 THE BOARD: Aye.  
8 MS. PENDERGRASS: -- say "Aye."  
9 THE BOARD: Aye.  
10 MS. PENDERGRASS: Those abstaining?  
11 (Mr. Tompkins raises his hand.)  
12 MS. PENDERGRASS: We have two abstentions.  
13 And any opposed?  
14 (No verbal response elicited.)  
15 MS. PENDERGRASS: All right. So those minutes  
16 are accepted and will be entered into the record.  
17 Now we'll move forward with action items from  
18 last month.  
19 And Mr. Tis- -- Tisdell, your hand is noted,  
20 but we'll hold that until your report time. Is that all  
21 right?  
22 I said your --  
23 MR. TISDELL: Oh.  
24 MS. PENDERGRASS: -- your hand was noted.  
25 All right. We had no carry-over items, but we

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1 did have Navy to respond to the letter from Kevyn Lutton  
2 introduced at the March RAB meeting objecting to  
3 beginning Parcel D removal action activities prior to  
4 closing of comment period, and the Navy was going to  
5 respond to that letter.  
6 Has that happened?  
7 MR. FORMAN: We've internally done it. We're  
8 going to present that as a part of -- her comments were  
9 part of the Parcel D Time Critical Removal Action, and  
10 that's what she was referring to, and we are going to  
11 present that with the rest of the package.  
12 MS. PENDERGRASS: Okay. Very fine.  
13 Miss Lutton?  
14 MS. LUTTON: Yeah?  
15 MS. PENDERGRASS: Is that all right with you  
16 today?  
17 MS. LUTTON: Well, is it going to include all  
18 my comments or --? Actually, I would like all of my  
19 comments addressed.  
20 MR. FORMAN: Yeah, that's what I -- I was going  
21 to put all your comments in the package in response at --  
22 at the same time.  
23 MS. PENDERGRASS: Does that address your  
24 concerns?  
25 MS. LUTTON: Yes, it does.

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1 MS. PENDERGRASS: Can we remove your item, or  
2 shall we --?  
3 MS. LUTTON: Is that happening tonight?  
4 MR. FORMAN: No.  
5 MS. LUTTON: No?  
6 MR. FORMAN: No.  
7 MS. PENDERGRASS: Would you like it carried  
8 over?  
9 MS. LUTTON: Yeah. Yes.  
10 MS. PENDERGRASS: When do you prepare to  
11 respond?  
12 MR. FORMAN: Two weeks from now?  
13 I believe it's going to take two to three more  
14 weeks.  
15 MS. PENDERGRASS: Okay. So would that be the  
16 next RAB meeting?  
17 MR. FORMAN: It will be prior to the next RAB  
18 meeting.  
19 MS. PENDERGRASS: Okay.  
20 We'll carry it over, Miss Lutton, until the  
21 next RAB meeting as an action item, and the -- the  
22 consensus now is that you will be addressed prior to the  
23 next meeting. So we'll look for resolution at that  
24 time.  
25 Mr. Brown, did you have something to add to

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1 that?  
2 Okay. Item No. 2, I.T.S.I. to forward to RAB  
3 members an electronic copy of letter from Kevyn Lutton.  
4 Mr. Keichline, did that happen?  
5 MR. KEICHLINE: Yes. It was e-mailed to the  
6 RAB on April 13th.  
7 MS. PENDERGRASS: RAB members, anybody did not  
8 get that letter?  
9 (Mr. Tisdell raises his hand.)  
10 MS. PENDERGRASS: Mr. Tisdell? Did you not get  
11 that letter?  
12 MR. TISDELL: No.  
13 MS. PENDERGRASS: Since it was e-mailed, do you  
14 have e-mail, Mr. Tisdell?  
15 MR. TISDELL: No.  
16 MS. PENDERGRASS: Then --  
17 MR. TISDELL: You know, I like a copy of the  
18 letter pertaining to it so I can be informed.  
19 MS. PENDERGRASS: Mr. Keichline, did you fax  
20 the letter or mail the letter to Mr. Tisdell?  
21 MR. KEICHLINE: No. It was e-mailed only. In  
22 the future, we can fax --  
23 MS. PENDERGRASS: All right. Can we --?  
24 MR. KEICHLINE: -- if that's requested over  
25 mail.

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1 MS. PENDERGRASS: Can we just go on record as  
2 just making this so that this doesn't come up again?  
3 Whenever there's a directive regarding correspondence to  
4 the RAB as a whole, that means whatever means is  
5 necessary to get it to the RAB, okay? So those who  
6 don't have e-mail shouldn't have to worry about that.  
7 Yes, ma'am.  
8 MS. BUSHNELL: A second time, I had problems  
9 getting that letter. I e-mailed Ron. He got it to me  
10 in another format.  
11 MS. PENDERGRASS: Very good.  
12 MS. LUTTON: Me too. I couldn't open it in the  
13 format that it came in but did get it.  
14 MS. PENDERGRASS: Okay. Very good. All right.  
15 So that one is completed.  
16 Let's move to Item 3, Navy to provide list of  
17 items and materials removed during Dry Dock 4 and  
18 Parcel E shoreline restoration.  
19 Mr. Forman, do you have anything to report on  
20 that?  
21 MR. FORMAN: Yes. Go ahead.  
22 MR. BROOKS: I'll do that one.  
23 We just completed the removal from the Parcel I  
24 shoreline, and so that will be presented by e-mail, if  
25 that will be okay, a list of that or before the next

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1 RAB.  
2 MS. PENDERGRASS: Okay. Who brought that to  
3 the action item list?  
4 MR. FORMAN: I think it was Lani.  
5 MS. PENDERGRASS: Okay.  
6 MR. BROWN: Or Georgia.  
7 MS. PENDERGRASS: All right.  
8 MR. FORMAN: Georgia.  
9 MS. PENDERGRASS: Georgia.  
10 MS. OLIVA: You -- you had told me that you  
11 were going to submit a work plan? You just said that  
12 you've completed removal?  
13 MR. BROOKS: No.  
14 MR. FORMAN: No.  
15 MR. BROOKS: No, that's not it.  
16 MR. FORMAN: Go ahead.  
17 MR. BROOKS: All we -- all we wanted to do here  
18 on the action item was just to present an inventory of  
19 the things that have already been removed from the dry  
20 dock from before from Parcel E shoreline.  
21 So while most of that stuff is being compiled,  
22 we're just going to add a couple more things to do and  
23 finalize that.  
24 MS. OLIVA: And when will --? When -- when can  
25 we receive a hard copy on that?

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1 MR. BROOKS: The list of -- of material that's  
2 been removed? That will be prior to the next RAB  
3 meeting.  
4 MS. PENDERGRASS: All right. That will be  
5 No. 3. We need to carry it over to the May RAB meeting.  
6 MR. FORMAN: And -- and the slightly separate  
7 issue to be -- the separate issue that Georgia addressed  
8 is, we agreed with Mr. Terzian to give him copies of  
9 work plans that are done so that he'll provide a copy to  
10 the artists in the building, and they can review that  
11 when -- when we put out future work plans.  
12 MS. OLIVA: Okay. Will tha- -- will that,  
13 then, present it Mr. Terzian before the RAB of the next  
14 month?  
15 MR. BROOKS: Work plans will be given to  
16 Mr. Terzian as they are approved and as we're ready  
17 to --  
18 MR. FORMAN: Right. But the list of materials  
19 removed actually is going to go directly to you because  
20 you're the RAB member who requested it.  
21 MS. OLIVA: Okay.  
22 MR. FORMAN: We'll give that directly to you,  
23 the list. It's not a work plan, but it's a list of  
24 materials removed.  
25 MS. OLIVA: Address it in e-mail?

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1 MR. FORMAN: Would you like it via e-mail?  
2 MS. OLIVA: Well, I -- I'd ra- -- whatever's  
3 most convenient.  
4 MR. FORMAN: Okay.  
5 MS. PENDERGRASS: All right. Very fine. We --  
6 we'll move that -- We're going to hold that over until  
7 the May RAB meeting for follow-up and resolution.  
8 Number 4 is "Navy to notify David Terzian and  
9 Navy Caretaker Site Office prior to removal of AMC's  
10 cranes at Dry Dock 4."  
11 Mr. Forman, you were following up on that?  
12 MR. FORMAN: Yes. And there hasn't been any  
13 progress on working with AMC to do that, but w- -- we  
14 will do that when the time comes.  
15 MS. PENDERGRASS: Okay. Is this going to be a  
16 continuation item until it happens, or is the fact that  
17 Mr. Forman's word is that he will notify you all when  
18 this happens good enough?  
19 MR. TOMPKINS: Continuation should be . . .  
20 MR. FORMAN: Yeah, I think it should be  
21 continued to be on the list until the situation happens  
22 when the cranes are about to be removed.  
23 MS. PENDERGRASS: All right. Well, then, let's  
24 leave -- put this as a carry-over item. However, let's  
25 move the due date to to be determined?

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1 MR. BROOKS: Yeah.  
2 MS. PENDERGRASS: All right. Number 5:  
3 "Status of request for seven-day extension on public  
4 comment period of Parcel A FOST."  
5 Again, Mr. Forman, you were to handle that, and  
6 it says here that it's extended to the 26th.  
7 MR. FORMAN: Yes, and I'm going to speak more  
8 in meeting business on that.  
9 MS. PENDERGRASS: Okay. Very fine.  
10 Any other questions on that?  
11 Yes, sir. Okay. If you don't have a question  
12 on that, then, I would like to move to Mr. Brown as  
13 co-chair for his comments tonight.  
14 MR. BROWN: First of all, I like to -- to ask a  
15 question: How did the RAB Tech Committee get in and  
16 have a meeting with the Redevelopment CAC? I would like  
17 that clarified to me because we didn't vote on anything.  
18 And another thing, we have some motions  
19 coming --  
20 MS. PENDERGRASS: Let's stick to one question  
21 at a time.  
22 MR. BROWN: Yes. I would like that question --  
23 MS. PENDERGRASS: Who are you addressing this  
24 question?  
25 MR. BROWN: To Lea.

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<p>1 MS. LOIZOS: Lynne, I copied you on the letter 2 that I sent to Don Capobres from the Redevelopment 3 Agency, requesting that the Tech Subcommittee meeting 4 have a combined meeting with the environmental community 5 and the CAC, and then through Don we set it up. And I 6 think he was copied on it, and you were copied on it. 7 MR. BROWN: But -- 8 MS. LOIZOS: I -- I mean, I didn't know that 9 we've never voted on the subject matter of a Tech 10 Subcommittee meeting. 11 MR. BROWN: Well, we -- we were going to vote 12 on it. We were going to vote on it, Lea. 13 MS. LOIZOS: O- -- Okay. 14 MS. PENDERGRASS: What's the issue here? 15 MR. BROWN: The issue is the RAB integrating 16 their information with the -- the Redevelopment CAC. 17 MS. PENDERGRASS: Okay. So there was something 18 that happened as -- 19 MR. BROWN: Right. 20 MS. PENDERGRASS: -- as part of the RAB that 21 went to the CAC? 22 MR. BROWN: Right. Exactly. 23 MS. PENDERGRASS: Okay. And that wasn't 24 discussed -- 25 MR. BROWN: Exactly.</p>	<p>1 you -- 2 MR. BROWN: Thank you. 3 MS. PENDERGRASS: Okay. So there's a motion 4 the floor -- 5 MR. TOMPKINS: Clarity on the motion? 6 MS. PENDERGRASS: There hasn't been a second 7 yet. 8 MR. TOMPKINS: I'll second it for discussion. 9 MS. PENDERGRASS: There's a second. So now we 10 need some discussion, add clarity to motion. 11 Yes, sir, Mr. Tompkins. 12 MR. TOMPKINS: Lynne. 13 MR. BROWN: Yes. 14 MR. TOMPKINS: In other words, are you saying 15 that, then, any subcommittee that -- I'm a little 16 conf- -- not -- not understanding. 17 In other words, for if they meet with other 18 organizations, they should first get approval here, or 19 what's the nature of it that the Tech -- 20 MR. BROWN: Right. 21 MR. TOMPKINS: -- Committee was to -- 22 MR. BROWN: Exactly. 23 MR. TOMPKINS: -- meet and then make 24 recommendations, or is this a joint --? Trying to get 25 clarity in terms of the purpose of --</p>
<p>1 MS. PENDERGRASS: -- as part of the CAC? 2 MR. BROWN: Exactly. 3 MS. PENDERGRASS: I mean as part of the RAB? 4 MR. BROWN: Yeah. 5 MS. PENDERGRASS: So are you going to address 6 that tonight, or is there some motion that you want to 7 put forth? 8 MR. BROWN: Yes. I like to make a motion that 9 we get -- the RAB members vote on that -- 10 MS. PENDERGRASS: Okay. 11 MR. BROWN: -- you know. 12 MS. PENDERGRASS: Is everybody privy to the 13 conversation or the information that they are voting on? 14 MS. PIERCE: No. I need -- 15 MS. BUSHNELL: No. 16 MR. PIERCE: I need a little clarification 17 on -- 18 MS. PENDERGRASS: Okay. 19 MS. PIERCE: -- no -- on what your motion is -- 20 MR. BROWN: My motion -- 21 MS. PIERCE: -- that -- wait -- that we -- that 22 before any committee meets with another organization 23 or -- or body, we vote on it? 24 MR. BROWN: Yeah. 25 MS. PIERCE: Okay. I just wasn't clear what</p>	<p>1 MR. BROWN: That's what -- 2 MR. TOMPKINS: -- function. 3 MR. BROWN: But that's what I'm trying to get 4 clarity on too. We should have had a vote on it. 5 That's all I'm saying. 6 MS. LOIZOS: Okay. I -- I'm -- I'm sorry if my 7 letter wasn't clear to you. 8 I mean, I'd just like to point out that the 9 Membership and Bylaws Committee frequently has meetings 10 that involve the Redevelopment Agency, and we have never 11 voted on that. 12 And the purpose of this meeting basically was 13 that -- I mean, there's been talks and there's been a 14 lot of confusion and discussion amongst the RAB members. 15 In fact, there was even a time when people were 16 trying to set up a subcommittee to deal with reuse 17 issues, and so it was becoming clear that there was 18 confusion amongst -- and there was some concern that 19 cleanup is not comporting with the suggested reuse of 20 the areas and that there's not enough discussion between 21 the two groups. 22 And so we were just going to sit down with them 23 and start those discussions and make sure that 24 everybody's on the same page about -- 25 MR. BROWN: But everybody --</p>
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1 MS. LOIZOS: -- what the reuse plans says.  
2 MR. BROWN: But everybody's not on the same  
3 page --  
4 MS. LOIZOS: Okay, so -- oh. That's wh- --  
5 that's why --  
6 MR. BROWN: -- you know --  
7 MS. LOIZOS: -- I'm telling you --  
8 MR. BROWN: -- and what you should do if -- if  
9 we put it up to a vote, you know. Excuse me.  
10 MS. PENDERGRASS: Okay, but you need --  
11 MS. LOIZOS: I'm not -- I'm not objecting to  
12 that.  
13 MS. PENDERGRASS: Wait a minute. Wait, wait,  
14 wait. You need to put your finger down.  
15 MR. BROWN: Right.  
16 MS. PENDERGRASS: We need to let Miss Bushnell  
17 continue --  
18 MR. BROWN: Right.  
19 MS. PENDERGRASS: -- with her question, and  
20 then you'll have time --  
21 MR. BROWN: Right.  
22 MS. PENDERGRASS: -- to comment along with Miss  
23 Asher.  
24 MR. BROWN: All right.  
25 MS. PENDERGRASS: Put your finger in your

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1 combined because I think they have different agendas,  
2 although I think it's appropriate to invite them into  
3 discussion if that's the purpose of it.  
4 MS. LOIZOS: That -- that was in my mind --  
5 MS. PENDERGRASS: Mr. Manuel.  
6 MS. LOIZOS: -- the purpose of it.  
7 MS. PENDERGRASS: One -- one moment.  
8 Yes, sir.  
9 MR. MANUEL: I have a two-part thing here.  
10 If -- if I hear what Lynne Brown is saying,  
11 what I think I hear him saying is that he believes that  
12 before anybody goes and meets on -- in the behalf of the  
13 Shipyard --  
14 MR. BROWN: As a RAB.  
15 MR. MANUEL: -- that they should -- that the  
16 RAB should be the conduit in which outside interests are  
17 inter- -- in exchange or whatever.  
18 Is that what you're saying, Lynne?  
19 MR. BROWN: Yes.  
20 MR. MANUEL: Okay. That's -- okay. Okay.  
21 Secondly, I basically support everything he's  
22 saying a hundred percent because I have seen with my own  
23 eyes -- as I agree with what Lani has just -- Lani had  
24 said, I have seen in my own eyes that there's multiple  
25 agendas going on, and CACs and agendas over time have

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1 pocket.  
2 MS. BUSHNELL: What -- what my question is, is  
3 this setting up another subcommittee to meet with them,  
4 or are we going to use what we have already recombined  
5 and redone?  
6 There's been -- We originally set out many  
7 subcommittees; and now, like, several of them have been  
8 put together and merged together and --  
9 MR. BROWN: Right.  
10 MS. BUSHNELL: -- we all meet impossibly too  
11 many times a month.  
12 Does this mean they are going to have another  
13 subcommittee that's going to meet with them, or it's  
14 just going to be plans as usual that you do whatever you  
15 want? Which is the way it's been run.  
16 MS. PENDERGRASS: Discussion?  
17 MS. ASHER: Well, I mean, it is true that  
18 Redevelopment does come to a lot of different meetings.  
19 However, I always looked at the Tech Committee; I felt  
20 that it was sort of by invitation, like when we meet  
21 with the Navy or -- 'cause I don't think that the CAC  
22 and a lot -- and I would say a lot of RAB members are on  
23 the same page about the environmental cleanup from my  
24 experience with other CAC meetings I've been to.  
25 So I -- it makes me nervous to have them

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1 not been consistent with the RAB's agenda.  
2 And the CAC seems to feel that the community is  
3 secondary in its interest to this Shipyard. They seem  
4 to believe that the people on the base have preemptory  
5 rights to the Shipyard over and above the rights of the  
6 community.  
7 So I agree with Lynne Brown. And if he hasn't  
8 got a second, I'd be seconding it right now.  
9 MS. PENDERGRASS: Mr. Tisdell, did you have  
10 anything that hasn't been said to add to this  
11 conversation?  
12 MR. TISDELL: No, thank you.  
13 MS. PENDERGRASS: All right.  
14 Well, I'd like to add one point of order and  
15 process before we continue on with the vote or  
16 discussion.  
17 And that is, the process for subcommittees is  
18 this: You take information in the subcommittee. You  
19 analyze that information. You talk about it. You  
20 invite people. You talk about it. You come to some  
21 conclusions or what have you.  
22 Those -- Any of that information needs to be  
23 summed up in minutes that are distributed, and  
24 recommendations are presented to the full RAB with that  
25 backup and support information from the RAB of what you

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1 suggest that the RAB should do. That's the process for  
2 subcommittee.

3 There shouldn't be anything happening  
4 representing the RAB outside of the RAB to any other  
5 organizations. But meeting and talking and discussing  
6 and coming and sharing information should happen in  
7 subcommittee minutes. That's the purpose of  
8 subcommittee work.

9 But you all, of course, can do it any way you  
10 want to, but that's just a point of clarification in the  
11 process.

12 So we had a hand up. Mr. Hanif.

13 MS. BUSHNELL: The problem is, these  
14 subcommittees meet. There are some minutes handed out.  
15 A lot of times there aren't. There is no record of a  
16 lot of these meetings. The meetings are set at times  
17 when a lot of people who work can't get there, or they  
18 are set at times when we can't attend, and there are too  
19 many meetings.

20 The RAB as a whole has never really looked at  
21 the subcommittee setting, other than when they first set  
22 it up, to say, What is convenient for us? What do we  
23 need? What do we need to fill our information? You  
24 need these minutes coming back every month? Do we use  
25 them? Are they useful to us?

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1 Our purpose here is to take the information the  
2 Navy has to offer to us and to talk to our community and  
3 to inform people. And I'm not sure that the  
4 subcommittee meetings are informing us and serving that  
5 purpose.

6 MS. PENDERGRASS: Okay. At this point, the  
7 motion on the floor is -- the vote, as I understand  
8 it --

9 And Mr. Brown, would you like to just reiterate  
10 your motion again?

11 MR. BROWN: The motion on the floor is that  
12 the -- whenever the -- a subcommittee wants to do  
13 something with another group outside of the  
14 subcommittee, they should have a vote --

15 MS. PENDERGRASS: Bring it to the --

16 MR. BROWN: Yeah, bring it back to the RAB so  
17 we can vote on it --

18 MS. PENDERGRASS: All right.

19 MR. BROWN: -- as a whole.

20 MS. PENDERGRASS: That's been seconded. Now  
21 I'm going to call the question. All in favor of that  
22 motion, please say "Aye."

23 THE BOARD: Aye.

24 MS. PENDERGRASS: Any opposed?

25 MS. RINES: Opposed.

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1 MS. PENDERGRASS: We have one, two oppositions  
2 to that -- three oppositions to that.

3 Do we have any abstentions?

4 We have one abstention. I think the ayes carry  
5 that, if I'm not mistaken.

6 And at this point, we have a motion on the  
7 floor that has been approved so that that would mean --  
8 and we should reflect in -- in our operating procedures  
9 from hence forward that any meetings to take place  
10 outside of the subcommittee setting with other  
11 agencies -- and that, again, is representing the RAB --  
12 should be brought to the full RAB first for a vote and  
13 approval.

14 MS. RINES: It's an administrative thing.

15 MS. PENDERGRASS: Yes, Miss Rines?

16 MS. RINES: Okay. If we are going to do that;  
17 if we are setting up the subcommittees and we need to  
18 get in touch with someone from an outside agency to make  
19 a meeting of ours and we don't get a confirmation, do we  
20 have to vote on it, the RAB, prior to the subcommittee  
21 meeting to have that person from the agency come?

22 MS. PENDERGRASS: Again --

23 MS. RINES: Is that -- is that what --?

24 MS. PENDERGRASS: No. That -- The -- the --  
25 From the way I understand it -- and let me clarify it,

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1 and if I'm wrong -- from the authors of the motion, the  
2 way this is structured is, if you're having a meeting  
3 with a group outside of your subcommittee meeting,  
4 outside of your subcommittee meeting and you are  
5 representing the RAB in that meeting to another group,  
6 that's what needs to be brought to the RAB and approved.

7 People and speakers coming to your subcommittee  
8 meetings that are posted and announced are not what we  
9 are talking about here.

10 MS. LOIZOS: Okay.

11 MS. PENDERGRASS: Yes, ma'am.

12 MS. LOIZOS: This was not ou- -- You're saying  
13 outside. This was not going to be outside of the  
14 subcommittee meeting. This was my subcommittee meeting.  
15 We were just doing it with the -- We were having a  
16 subcommittee meeting with the environment from CAC. So  
17 I wanted to make sure that they understood our concerns  
18 and what we thought was happening with the Shipyard and  
19 what, you know, the reuse plans were and all of that.

20 MS. PENDERGRASS: Okay. I mean --

21 MS. LOIZOS: That's what I'm saying. It wasn't  
22 outside. So now I'm confused because --

23 MS. RINES: Can we ask the author to reiterate  
24 what you're asking?

25 MS. PENDERGRASS: We have, like, three or four

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1 more minutes to spend on that.  
2 Mr. Brown, can you clarify quickly?  
3 MR. BROWN: What I'm saying is, anytime the two  
4 groups -- one, the RAB, and the CAC -- gets together, we  
5 would like to be notified.  
6 MS. RINES: Okay, but not the full RAB? You  
7 mean a subcommittee?  
8 MR. BROWN: A subcommittee, exactly.  
9 MS. RINES: Okay. So any subcommittee that  
10 meets with an outside agency in a subcommittee meeting?  
11 MR. BROWN: RAB members should be notified.  
12 MS. RINES: Well, sub- --  
13 MS. PENDERGRASS: Okay. So that's -- is  
14 that --?  
15 MR. BROWN: We already voted on it anyway.  
16 MS. RINES: I understand that, but I'm trying  
17 to make sure we -- we understand what we're saying,  
18 because this affects everybody in subcommittee.  
19 MR. BROWN: Exactly.  
20 MS. RINES: Okay. We'll discuss it later,  
21 'cause I would like it on the record I am confused.  
22 MS. PIERCE: I am too now.  
23 MS. PENDERGRASS: I would suggest that -- I  
24 would suggest that once -- since we don't have enough  
25 time to really clarify this any further, if we can ask  
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1 Mr. Brown to put that in writing --  
2 MR. BROWN: Okay.  
3 MS. PENDERGRASS: -- and submit it, and then we  
4 can vote on it as being part of the operating procedures  
5 at that point at the next RAB meeting. Is that fine?  
6 So, Mr. Keichline, as an action item, can we  
7 add the fact that Mr. Brown will be drafting the  
8 language to talk about interaction with subcommittee  
9 meeting -- subcommittee members and meetings with  
10 outside agencies, and that will be brought to the full  
11 RAB next time to be voted on, okay?  
12 MR. TOMPKINS: Would it be appropriate for that  
13 to be referred to Bylaws Committee, since it's dealing  
14 with procedures and RAB?  
15 MS. PENDERGRASS: I think as the co-chair, he  
16 has an opportunity to override that --  
17 MR. TOMPKINS: Okay.  
18 MS. PENDERGRASS: -- and put something directly  
19 to --  
20 MR. TOMPKINS: Okay.  
21 MS. PENDERGRASS: So we're going to pass on  
22 that and move forward.  
23 MR. FORMAN: One other -- one other --  
24 Ron, did you quickly --  
25 MR. KEICHLINE: Yeah, I did have a question.  
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1 Does that amend the bylaws?  
2 MS. PENDERGRASS: Not at this point.  
3 MR. KEICHLINE: Thank you.  
4 MR. FORMAN: One other quick question I just  
5 had with regard to there is -- with regard to Lea's  
6 meeting on May -- scheduled for May 5th, just so that  
7 I'm not confused, what effect does this motion passing  
8 have on May 5th?  
9 MS. LOIZOS: Don't look at me. I don't know.  
10 MR. FORMAN: Okay.  
11 MS. PENDERGRASS: Let's take that at the break  
12 and clarify that a little bit more before we get --  
13 MR. FORMAN: Sure. It's just that now it  
14 occurs before the next RAB meeting. So I'll need to  
15 know.  
16 MS. PENDERGRASS: I understand.  
17 Mr. Brown, did you have anything to add -- else  
18 to add in part of your report?  
19 MR. BROWN: No. That's it for now.  
20 MS. PIERCE: You know --  
21 MS. PENDERGRASS: Yes, ma'am.  
22 MS. PIERCE: Excuse me. I know we want to move  
23 the agenda, but we passed something, and it's really  
24 clear that -- I mean, I'm really confused now too.  
25 And I don't think it's good business for us to  
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1 say, "Oh, we'll figure it out in a side meeting, and  
2 we'll get back to you" when in fact we all voted on it.  
3 I think we need to be really clear on -- on what it is  
4 we just passed, and I'm getting more and more confused  
5 as this discussion goes on.  
6 MS. PENDERGRASS: And thi- -- and this is what  
7 I'm suggesting. We all passed a motion that was put on  
8 the floor. We all understood that you voted on it.  
9 I'm saying as part of the process -- This is  
10 what I'm saying to you: If it's still confusing at this  
11 point, it will be written as part of the minutes.  
12 Mr. Brown has agreed to bring it in clear  
13 writing in addition to what's in the minutes to the next  
14 meeting for again ratification by this body to make sure  
15 it's clear.  
16 But we could talk about this for a long period  
17 of time tonight and maybe not get to any resolution, and  
18 that's not -- that's not on our agenda tonight to do.  
19 And Mr. Tompkins, do you have anything to  
20 add --  
21 MR. TOMPKINS: Yes. For --  
22 MS. PENDERGRASS: -- that's different than  
23 that?  
24 MR. TOMPKINS: Yes. For an interim period for  
25 the next period so we're not in -- the chairs are not in  
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<p>1 conflict, are you saying that this will be sort of like 2 suspended until it's clarified and that we go on said 3 practice at this time until the next meeting till 4 clarity, Mr. Brown submits the written definitive work? 5 MS. PENDERGRASS: That was exactly what I said. 6 MR. TOMPKINS: Okay. So -- okay. So the 7 chairs know how to do business and not being in 8 conflict? 9 MS. PENDERGRASS: That's right. 10 MR. TOMPKINS: Okay. Thank you. 11 MS. PENDERGRASS: Okay. 12 Mr. Tisdell, do you have anything to add that's 13 different than what's already been said? 14 MR. TISELL: Yeah. 15 MS. PENDERGRASS: Yes, sir. 16 MR. TISELL: Mr. Brow- -- Mr. Lynne Brown 17 motion was that the RAB members shouldn't meet with the 18 CAC. That's the -- exclusively the Mayor's committee 19 and which they have never -- they always talk down about 20 the RAB. And, you know, even though they talk down, 21 they never come and see what we are trying to do, you 22 know. 23 And so why go forward and give them something 24 that other RAB members don't even know? 25 MS. PENDERGRASS: Mr. Tisdell, I'm sorry to</p> <p style="text-align: right;">Page 45</p>	<p>1 And a message went out today. You probably 2 know more than I do about the details of this. There 3 was a fire yesterday at an artist's studio located in 4 back of Lola's, the restaurant here on Innes -- 5 MR. BROWN: Right. 6 MR. FORMAN: -- and I just wanted to clarify 7 that. 8 Patricia McFadden, the officer in charge of 9 Caretaker Site Office, sent out a message. Just to let 10 you know, there were already one or two people that were 11 a little bit confused about the source of the fire and 12 in fact some, of course, asking questions about the 13 base. So I want to alert you on that. 14 And finally, I've got big news that you may or 15 may not have opened your e-mail message on this yet. On 16 the Finding of Suitability to Transfer for Parcel A, the 17 FOST, we're going to talk about that later on tonight 18 too, but for now you need to know that the comment 19 period has been extended three weeks to -- it was going 20 to end on Monday, April 26th. It is now ending on 21 Monday, May 17th. 22 And the reason for that -- and I will go into 23 greater detail in further e-mails and into a 24 presentation when I know more, a little more has 25 occurred -- is -- has to do with a guard shack in front</p> <p style="text-align: right;">Page</p>
<p>1 contradict you, but the CAC was not mentioned in that 2 motion. 3 MR. TISELL: Yes, it was. Yes, it was. 4 MS. PENDERGRASS: No, it was not. 5 MR. TISELL: Yes, it was. 6 MS. PENDERGRASS: All right. We're going to 7 move on. We're going to move the agenda forward. 8 Mr. Forman -- Mr. Forman? 9 MR. FORMAN: Yes, ma'am. 10 MS. PENDERGRASS: We're going to end that 11 conversation on that. Can you move forward with your 12 report, please? 13 MR. FORMAN: Yes, I can. Okay. 14 Okay. I've got a couple of things to put out 15 today and a couple of messages that have gone out 16 through the e-mail this -- through e-mail this afternoon 17 to the RAB members and to the regulators. 18 First thing, the Community Involvement Plan has 19 been finalized, and I want to thank Carolyn Hunter -- 20 and I know several you do too -- for the time she put 21 in. 22 (Applause.) 23 MR. FORMAN: Thank you for doing that. 24 So you'll be seeing the involvement plan, the 25 Community Involvement Plan, come to you in the mail.</p> <p style="text-align: right;">Page 46</p>	<p>1 of the main gate of the base here, the guard shack that 2 we all cross at the intersection of Innes and -- 3 MS. ASHER: The one with the --? 4 MR. FORMAN: -- Donahue. 5 MR. TOMPKINS: Yes, that one. 6 MR. FORMAN: And -- 7 MS. ASHER: The one with -- 8 MR. FORMAN: Pardon? 9 MS. ASHER: The one that has a person in it? 10 MR. TOMPKINS: No. 11 MR. FORMAN: No. 12 MS. ASHER: Okay. 13 MR. FORMAN: No. The one at the intersection 14 of Innes and Donahue there. It's an old building with 15 yellow chipped paint. You can -- you can see it when 16 you come in. In fact, you can see it from Dago Mary's 17 here. 18 That small -- that small building is a guard 19 shack. It's been a guard shack from 1959 to 1974. 20 However, what we have found is that that is listed as 21 Building 322, and Building 322 is the same number that 22 was used for a building that was on Parcel D for some 23 period of time. 24 So to make absolutely sure that the building 25 that we're talking about that was possibly relocated</p> <p style="text-align: right;">Page 48</p>

<p>1 from Parcel D to Parcel A, not that that would normally 2 be a problem, but here because we have a FOST on 3 Parcel A, what the Navy's going to do to remove all 4 doubt is, we're going to go and completely survey that 5 building, do a radiological survey on it. 6 So we will go ahead and do that next week, and 7 then we will report back to you on the findings of that 8 and any possible impacts to the future schedule, to the 9 FOST, to anything having to do with the program of what 10 we might need to do. Okay. 11 MS. PENDERGRASS: Okay. Mr. Mason? 12 MR. MASON: I think they did move that 13 building, because before that -- you know, before that 14 we could all just walk through and go to the Bank of 15 America. 16 MR. FORMAN: Oh, really? 17 MR. MASON: Yeah. Bank of America was set up 18 there, you know, and it was never a guard shack. I 19 think they did bring that -- that building from off 20 base. 21 So whenever we came over and my mom had to go 22 to the bank, obviously we'd just go right to the Bank of 23 America. Mrs. Kennedy's office used to be on top of the 24 hill. 25 MR. FORMAN: Okay. Very good. In fact, Jesse,</p> <p>Page 49</p>	<p>1 MS. OLIVA: Yes. 2 MR. FORMAN: It was used for -- 3 MS. OLIVA: It was the pass office. 4 MR. FORMAN: -- for 20 -- for 15 years, from 5 19-- -- 6 MS. OLIVA: So -- 7 MR. FORMAN: -- -59 to 1974. 8 MS. OLIVA: Well, no. More than that. I mean, 9 I was out here in '81 -- '91, and I would have to go and 10 renew my pass there, as did every -- all the other 11 artists. 12 MR. FORMAN: Okay. They might have been using 13 the building then too for -- or some -- somebody used -- 14 MS. OLIVA: Yeah. 15 MR. FORMAN: -- the building. 16 MS. OLIVA: So -- but that -- that's great 17 news. 18 MR. FORMAN: Okay. Well, again, I -- again, we 19 want to remove all doubt and be absolutely sure. One 20 could argue that we shouldn't -- One could argue that 21 we probably don't need to do this, but I think it's the 22 right thing to do, particularly when you're talking 23 about a parcel that's being FOSTed. 24 MS. OLIVA: Especially when you're talking 25 about people who have -- have gone through there.</p> <p>Page 51</p>
<p>1 let's -- I would like to talk to you more about that. 2 But to be absolutely sure and to remove all 3 doubt -- we want to do the right thing -- we're going 4 to -- we're going to go ahead and treat that building as 5 if it needs to be completely surveyed. 6 MS. JACKSON: It do. 7 MR. FORMAN: And that's what we're going to do. 8 MS. PENDERGRASS: Yes, ma'am. 9 MS. OLIVA: Keith. 10 MR. FORMAN: Sure. 11 MS. OLIVA: Since I've been out here for 12 14 years, before the metal -- where Louise is now where 13 we come in -- 14 MR. FORMAN: Yes. 15 MS. OLIVA: -- artists would have to renew 16 their badges and check in at that building, and people 17 were set up there. 18 Am I -- am I ta- --? Are we talking the same 19 building? 20 MR. CAMPBELL: Yeah. 21 MS. OLIVA: We would have to sit there, and 22 they kept files on us when we had to renew our passes 23 into the base? 24 MR. FORMAN: I believe that was the pass 25 office, yes.</p> <p>Page 50</p>	<p>1 MR. FORMAN: Yes. 2 MS. PENDERGRASS: We have Mr. Manuel and then 3 Mr. Tompkins. 4 MR. MANUEL: I just want to make a brief 5 statement so that the -- the RAB members, as well as the 6 community at-large, you know, would take a look at I 7 think it's a current issue of TIME magazine, and it has 8 the 100 most influential people in America; and in there 9 it has a nice article also about the state of funding 10 for these base closures and et cetera, et cetera. 11 And I'd just recommend that we do everything we 12 can to work together to expedite this process because 13 funding is being cut along the way; and I just wanted 14 to, you know, make sure people, if they can, take a look 15 at that article because it just lets them know that -- 16 they said in the article that it takes, like, 13 or 17 14 years on average for a base to be flipped over for -- 18 for public use. 19 And there's a lot of other information in there 20 that's happening nationwide, and I just think people 21 might be interested in the article and also give them a 22 heads-up on -- you know, this has been a really great 23 meeting, and I like the fact that we are all kind of 24 working together and not a whole lot of first line and 25 whatever. So I would recommend that we work in this</p> <p>Page 52</p>

<p>1 spirit from here on out because --</p> <p>2 MR. ATTENDEE: What magazine?</p> <p>3 MR. MANUEL: TIME magazine, 100 most</p> <p>4 influential people. I've forgotten which month, but</p> <p>5 it's probably this month or last month.</p> <p>6 MS. PENDERGRASS: Mr. Tompkins?</p> <p>7 MR. TOMPKINS: Keith, quick question.</p> <p>8 MR. FORMAN: Sure.</p> <p>9 MR. TOMPKINS: When you said -- Are you also</p> <p>10 when you go through the building you're going to look</p> <p>11 for -- look for other hazardous materials, lead or</p> <p>12 asbestos or anything? You just mentioned radiology.</p> <p>13 MR. FORMAN: Yes.</p> <p>14 MR. TOMPKINS: Is that the only thing you're</p> <p>15 going to look for, or is it all hazardous materials?</p> <p>16 MR. FORMAN: That's the only thing we're going</p> <p>17 to look for. We know it has -- the paint on there is</p> <p>18 probably old paint, and the building is going -- is</p> <p>19 scheduled to be demolished.</p> <p>20 MR. TOMPKINS: But it -- are you going to check</p> <p>21 for asbestos? Because when you demolish, you got to do</p> <p>22 certain procedures for -- for asbestos in buildings.</p> <p>23 MR. FORMAN: You're right, and I believe</p> <p>24 whoever demolishes it is going to have to assume that</p> <p>25 asbestos is there and lead is there, and they are going</p> <p style="text-align: right;">Page 53</p>	<p>1 MR. TOMPKINS: -- that these for safety so</p> <p>2 donate -- designate that this is there. Documentation</p> <p>3 showing that --</p> <p>4 MR. FORMAN: Yes.</p> <p>5 MR. TOMPKINS: -- rather than --</p> <p>6 MR. FORMAN: And --</p> <p>7 MR. TOMPKINS: -- assumptions.</p> <p>8 MR. FORMAN: And what we'll do, Ray, is</p> <p>9 whomever -- it's probably going to come down to -- and I</p> <p>10 will keep you informed of this. It's either going to</p> <p>11 come down to the Navy having to demolish it, you know,</p> <p>12 in the near future or the developer eventually having to</p> <p>13 develop -- to demolish it. And I'll keep you informed</p> <p>14 as to who's going to do that.</p> <p>15 Obviously, if the Navy does, we have very</p> <p>16 positive control over that in the here and now. But we</p> <p>17 need to have things -- and we do have notifications and</p> <p>18 restrictions in place that will force the developer or</p> <p>19 whomever comes in and has to demolish it.</p> <p>20 But that's a good point because that building</p> <p>21 is going to need to be considered to have those</p> <p>22 substances.</p> <p>23 MS. PENDERGRASS: Final comment.</p> <p>24 MS. ASHER: Yes, final comment.</p> <p>25 So this building needs a different kind of</p> <p style="text-align: right;">Page 54</p>
<p>1 to have to follow the proper procedures --</p> <p>2 MR. BROWN: Right.</p> <p>3 MR. TOMPKINS: Okay.</p> <p>4 MR. FORMAN: -- because it is -- it's a</p> <p>5 building that --</p> <p>6 MR. TOMPKINS: It's old.</p> <p>7 MR. FORMAN: -- when you look back in the</p> <p>8 records, i- --</p> <p>9 Exactly, it's extremely old. In fact, we</p> <p>10 believe it dates back to prior to 1939.</p> <p>11 MR. TOMPKINS: So they used lead-based paint</p> <p>12 and asbestos --</p> <p>13 MR. FORMAN: I would a- -- I would go under</p> <p>14 the assumption that it has it all.</p> <p>15 MR. TOMPKINS: Would you not for safety you</p> <p>16 make sure -- don't leave it up to -- 'cause we're</p> <p>17 dealing with cost --</p> <p>18 MR. FORMAN: Yes.</p> <p>19 MR. TOMPKINS: -- since they're doing</p> <p>20 demolition --</p> <p>21 MR. FORMAN: Yes.</p> <p>22 MR. TOMPKINS: -- if you don't have it marked</p> <p>23 within for them to use that, they may try and</p> <p>24 circumvent --</p> <p>25 MR. FORMAN: That's a good point.</p> <p style="text-align: right;">Page 54</p>	<p>1 characterization 'cause it's in Parcel A, and how does</p> <p>2 that relay to the FOST and the transfer if this building</p> <p>3 is -- was moved from somewhere else to Parcel A?</p> <p>4 MR. FORMAN: Good question. What it means in</p> <p>5 the near future when we're sorting this out, it means</p> <p>6 that the FOST for Parcel A cannot go forward, and that's</p> <p>7 why there's the delay.</p> <p>8 And then we're going to have to find out what</p> <p>9 is -- if anything, is in this building radiologically.</p> <p>10 If there's just lead-based paint there, which we assume</p> <p>11 there is, and asbestos, that is c- -- already covered in</p> <p>12 the Finding of Suitability to Transfer, those two</p> <p>13 substances.</p> <p>14 But what we need to do is just make doubly sure</p> <p>15 that this building -- We have no reason to believe</p> <p>16 really that there's anything radiologically in there.</p> <p>17 And in fact, the building had already in its prior life</p> <p>18 on Parcel D been cleared.</p> <p>19 But we want to remove all doubt and not have</p> <p>20 this lingering as an issue. So we want to go ahead and</p> <p>21 do a survey to 2004 standards and show you the results</p> <p>22 of that before we move on with the FOST at all.</p> <p>23 MS. PENDERGRASS: Very good.</p> <p>24 At this point, we're going to move this</p> <p>25 discussion.</p> <p style="text-align: right;">Page 56</p>

1 Does that conclude your announcements and  
2 concerns, Mr. --  
3 MR. FORMAN: Yes.  
4 MS. PENDERGRASS: -- Forman?  
5 All right. Can we move the discussion at this  
6 point and the meeting to our subcommittee reports,  
7 keeping in mind that we're running long. And if we  
8 could start this month with the Membership and Bylaws  
9 Committee.  
10 MS. RINES: Okay. We didn't have a meeting --  
11 MS. PENDERGRASS: Okay.  
12 MS. RINES: -- which makes it easy.  
13 We're going to schedule the one -- The next  
14 meeting is going to be --  
15 What was it, Keith? Was it May 5th or 12th,  
16 next meeting?  
17 MR. TISDELL: 12th.  
18 MS. RINES: 12th.  
19 MR. TISDELL: It's the second -- second --  
20 MS. RINES: The second Wednesday --  
21 MR. TISDELL: Second Wednesday.  
22 MS. RINES: -- May -- May 12th, 6:30 to 8:00,  
23 Anna Waden Library.  
24 Also, in the May RAB meeting, we're going to  
25 have co-chair nominations. In the June RAB, we're going

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1 MS. RINES: Yes.  
2 MS. PENDERGRASS: Okay.  
3 Miss Bushnell, would you like to add something  
4 to that?  
5 MS. BUSHNELL: I want to know, people were told  
6 that they couldn't -- when they brought their  
7 application in, they would be regarded at the bylaws  
8 meeting. The bylaws meeting was canceled.  
9 MS. PENDERGRASS: All right.  
10 MS. BUSHNELL: So what considerations? I still  
11 have a problem with your understanding what calendar  
12 year means.  
13 MS. RINES: I understand that. It will be  
14 discussed.  
15 MS. BUSHNELL: The dictionary is very clear  
16 about it.  
17 MS. RINES: I understand that. I understand  
18 that.  
19 MS. BUSHNELL: I was part of the board that  
20 wrote those, and we didn't change what was in the  
21 original bylaws.  
22 MS. RINES: I understand that.  
23 MS. BUSHNELL: So what you have done, as far as  
24 I'm concerned, is against the bylaws. You need to  
25 write --

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1 to vote for the co-chair. And in the July RAB, the new  
2 co-chair will -- will what?  
3 MR. ATTENDEE: Take office.  
4 MS. RINES: New ch- -- co-chair will be --  
5 we'll inaugurate, okay? They'll be there.  
6 MS. PENDERGRASS: And, Miss Rines, what other  
7 items, other than co-chair, are you going to cover in  
8 the Bylaws Committee meeting coming up, then?  
9 MS. RINES: At this point now, we're still  
10 trying to wait to hear the term sheet report from Don --  
11 I don't know where he is, but will it be there by then?  
12 MR. CAPOBRES: I hope so, yeah. I'll plan on  
13 it.  
14 MS. RINES: Okay. All right.  
15 MS. PENDERGRASS: So the term sheet --  
16 MS. RINES: We're still waiting for that.  
17 And we're also going to definitely talk about  
18 the language in the bylaws concerning RAB attendance.  
19 We can't make any changes into the bylaws until August,  
20 but we need to get the language correct.  
21 MS. PENDERGRASS: And if it -- if I'm not  
22 mistaken and because Ms. Bushnell had brought it up  
23 earlier, there's some confusion around what "year" means  
24 and all of that. Will that be discussed at the upcoming  
25 bylaws meeting?

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1 MS. PENDERGRASS: Miss Bushnell, you've made  
2 that point.  
3 MS. BUSHNELL: -- and ask them to come back to  
4 RAB.  
5 She wasn't here.  
6 MS. PENDERGRASS: Okay, but you've made that  
7 point.  
8 MS. BUSHNELL: Okay.  
9 MS. PENDERGRASS: And I think Miss Rines as a  
10 chair of that subcommittee understands that point as --  
11 and will take that up and --  
12 MS. BUSHNELL: But what I -- I think the RAB --  
13 the RAB needs to deal with this also.  
14 MR. BROWN: Right.  
15 MS. BUSHNELL: This is -- this is an issue.  
16 These are the RAB bylaws. This is not the sub -- the  
17 subcommittee's.  
18 MR. TISDELL: RAB says you come --  
19 MS. BUSHNELL: These are the RAB bylaws.  
20 MS. PENDERGRASS: All right.  
21 MS. BUSHNELL: And they are -- they essentially  
22 violated what is written.  
23 MS. PENDERGRASS: Miss Bushnell --  
24 MS. BUSHNELL: And I'm asking --  
25 MS. PENDERGRASS: -- I -- I'm going to attempt

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<p>1 to --</p> <p>2 MS. BUSHNELL: -- to be dealt with.</p> <p>3 MS. PENDERGRASS: I'm just going to attempt to</p> <p>4 abbreviate what you just said --</p> <p>5 MS. BUSHNELL: Okay. Thank you.</p> <p>6 MS. PENDERGRASS: -- which is -- which is that</p> <p>7 there's some -- there is some confusion around what had</p> <p>8 happened around people who were let go from the RAB</p> <p>9 because of their attendance, because the interpretation</p> <p>10 of those attendance of the bylaws.</p> <p>11 MS. BUSHNELL: Correct.</p> <p>12 MS. PENDERGRASS: At this point, the Bylaws</p> <p>13 Committee chair has said that they will be talking about</p> <p>14 that and discussing that at the next RAB [sic] meeting,</p> <p>15 which you said should have happened this month. It did</p> <p>16 not happen, but there will -- we can't go back, so we're</p> <p>17 going forward.</p> <p>18 There will be a new meeting. That will be the</p> <p>19 topic on the agenda. At that point, discussion around</p> <p>20 what to do with people who were off because of that</p> <p>21 ruling, or what have you, will be discussed.</p> <p>22 Is that not what I heard?</p> <p>23 MS. RINES: Yes.</p> <p>24 MS. PENDERGRASS: Okay.</p> <p>25 So with that, Miss Bushnell, I understand your</p> <p>Page 61</p>	<p>1 MS. RINES: -- body --</p> <p>2 MS. BUSHNELL: -- means calendar year.</p> <p>3 MS. RINES: I understand what you're saying,</p> <p>4 and I get your point.</p> <p>5 MS. BUSHNELL: Very clear.</p> <p>6 MS. RINES: I'll ask you this: Did you read</p> <p>7 the e-mail that I sent you today?</p> <p>8 MS. BUSHNELL: No.</p> <p>9 MS. RINES: You should have plucked out what</p> <p>10 it --</p> <p>11 MS. PENDERGRASS: Okay. Let -- let us -- let's</p> <p>12 stop the -- let's stop the banter at this point. Miss</p> <p>13 Rines?</p> <p>14 MS. RINES: I understand. I understand. I</p> <p>15 have one more thing.</p> <p>16 MS. PENDERGRASS: Yes, ma'am.</p> <p>17 MS. RINES: I have one other announcement of</p> <p>18 someone else who was removed from the RAB based on</p> <p>19 attendance.</p> <p>20 MR. TISDELL: Who?</p> <p>21 MS. RINES: I didn't say the name. That person</p> <p>22 is Marie Harrison, okay, with four absences from this</p> <p>23 meeting, 12 months forward, so everybody understands</p> <p>24 that; and that is why she was removed.</p> <p>25 Everyone who is removed is welcome to reapply.</p> <p>Page</p>
<p>1 concern about the bylaws and their interpretation. At</p> <p>2 that point, you might want to talk -- or go to that</p> <p>3 committee meeting. The bylaws cannot be changed from</p> <p>4 the last passing until the -- another time.</p> <p>5 MS. BUSHNELL: The bylaws were changed. That's</p> <p>6 my point. The bylaws were changed.</p> <p>7 MS. RINES: Let me -- let me just put forth on</p> <p>8 the record.</p> <p>9 MS. BUSHNELL: Calendar year means calendar</p> <p>10 year.</p> <p>11 MS. RINES: This is --</p> <p>12 MS. BUSHNELL: They changed it from 12 months</p> <p>13 from whatever today is, and that's not a calendar year.</p> <p>14 MS. RINES: -- behind the writing of the</p> <p>15 language for the bylaws concerning attendance was under</p> <p>16 the idea that the calendar year was used based on what</p> <p>17 we used, which was the month of the meeting one year</p> <p>18 forward. We did that with every single person that was</p> <p>19 removed.</p> <p>20 MS. BUSHNELL: Then you are wrong.</p> <p>21 MS. RINES: If we go back and change it now --</p> <p>22 MS. BUSHNELL: Yet you were wrong.</p> <p>23 MS. RINES: -- we have it's retroactive, and</p> <p>24 that is not -- it's not equal to everyone. Every- --</p> <p>25 MS. BUSHNELL: Calendar year --</p> <p>Page 62</p>	<p>1 MS. PENDERGRASS: Okay. Thank you, Miss Rines.</p> <p>2 MS. BUSHNELL: Unless you cancel the meeting.</p> <p>3 MS. PENDERGRASS: Miss Bushnell, you're out of</p> <p>4 order, please.</p> <p>5 MS. BUSHNELL: Sorry. Thank you. I am.</p> <p>6 MR. TISDELL: You could get sick --</p> <p>7 MS. PENDERGRASS: Miss Keichline --</p> <p>8 Mr. Keichline, would you like to add something that</p> <p>9 hasn't been said here?</p> <p>10 MR. KEICHLINE: Yes, I would.</p> <p>11 The RAB membership application has a notation</p> <p>12 saying, "Renewing members are not required to attend the</p> <p>13 Bylaws Subcommittee meeting prior to application</p> <p>14 renewal."</p> <p>15 I would expect in this circumstance where a RAB</p> <p>16 member was removed due to absences and yet reapplied</p> <p>17 would be viewed favorably and would not have to attend</p> <p>18 the Bylaws Subcommittee meeting to be reapply -- to be</p> <p>19 reinstated.</p> <p>20 MS. PENDERGRASS: Very fine. Thank you for</p> <p>21 that point and clarification. I'm sure Miss Rines will</p> <p>22 have an appropriate report at the next meeting and some</p> <p>23 recommendations at that point.</p> <p>24 Thank you, everybody, for their input on that.</p> <p>25 You have nothing else to add from your</p> <p>Page 64</p>

1 subcommittee --?  
2 MR. MANUEL: Well, my hand's been up for about  
3 five minutes. Can I make a quick --?  
4 MS. PENDERGRASS: You have to do what?  
5 MR. MANUEL: I said, my hand has been up for  
6 quite a while here.  
7 MS. PENDERGRASS: I'm sorry, Mr. Manuel. Do  
8 you have something to add to that?  
9 MR. MANUEL: Very briefly, yes.  
10 MS. PENDERGRASS: Yes, sir.  
11 MR. MANUEL: Okay. And this is in deference of  
12 Miss -- our -- our chair lady here.  
13 MS. PENDERGRASS: Who doesn't need any steps.  
14 MR. MANUEL: At -- at the meeting where these  
15 things were discussed, if I remember correctly, she made  
16 every attempt to make phone calls to people and to give  
17 them an opportunity to protest or to this or to that;  
18 and I'm saying this with one of our people not here  
19 because of illness, but we still understand that -- that  
20 the four meetings are four meetings.  
21 But she did, from what I remember, make every  
22 attempt to let people know that they were about to be  
23 removed from the -- from the Board, if I remember  
24 correctly.  
25 MS. PENDERGRASS: Thank you, Mr. Manuel.

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1 Okay. The risk health -- risk review and  
2 health, technical review and radiological issues. Is  
3 that all combined now?  
4 DR. SUMCHAI: No.  
5 MS. PENDERGRASS: Okay. Which one are we  
6 hearing from first?  
7 What about the risk review and health?  
8 MS. LOIZOS: Well --  
9 MS. PENDERGRASS: Is that -- is that -- that  
10 part of the technical review, or is that part of  
11 radiological?  
12 MS. LOIZOS: Health risk review is Karen. I'm  
13 technical review; and Ahimsa, Dr. Sumchai, is --  
14 MS. PENDERGRASS: Radiological.  
15 MS. LOIZOS: -- radiological.  
16 MS. PENDERGRASS: I just want to make sure I  
17 got it right.  
18 All right, Miss Pierce.  
19 MS. PIERCE: We didn't have a meeting last  
20 month.  
21 MS. PENDERGRASS: You did not have a meeting --  
22 MS. PIERCE: We did not.  
23 MS. PENDERGRASS: -- last month?  
24 Let's just speak up and be proud. Okay.  
25 MS. PIERCE: That's all I have to say.

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1 MS. PENDERGRASS: When will your next meeting  
2 be?  
3 MS. PIERCE: I do not have another meeting  
4 scheduled.  
5 MS. PENDERGRASS: Thank you for that.  
6 MS. PIERCE: I would like to talk to  
7 Dr. Sumchai because she had raised an issue that was  
8 going to be discussed at the meeting. It was discussed  
9 at the Technical Review Committee, but I need to get  
10 with her to ensure that her issues are satisfied. And  
11 if they haven't been, then I will set the meeting for  
12 next month.  
13 MS. PENDERGRASS: Thank you.  
14 Any questions about that?  
15 DR. SUMCHAI: This is an incredibly  
16 important --  
17 MR. MASON: Can't hear you.  
18 MS. JACKSON: Give her the microphone. I want  
19 to hear her.  
20 DR. SUMCHAI: You know, the -- the mandate of  
21 the Risk Assessment Committee is incredibly important.  
22 It is a fundamental area that we need to be concerned  
23 about, particularly in light of all of the technical  
24 data that is surfacing right now with regard to, you  
25 know, potential risks to human health with the reuse of

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1 the base.  
2 And I do think that we have to strive with some  
3 consistency to, you know, at minimum, you know, set  
4 meetings and, you know, address some of the -- you know,  
5 the pertinent issues.  
6 So -- so yeah, we do need to talk. But beyond  
7 you and I talking, there needs to be a commitment made  
8 by this RAB and by some nucleus of people on this RAB to  
9 attend and make sure that this, you know, committee is  
10 able to -- to address it -- its very important mandate.  
11 MS. PENDERGRASS: Now that this has come to  
12 light, this is an issue -- an area that the RAB co-chair  
13 should actually address.  
14 Mr. Brown, can you -- can we put an action item  
15 that you discuss the chairing and the consistency of  
16 those meetings --  
17 MR. BROWN: Right.  
18 MS. PENDERGRASS: -- in content? Okay.  
19 So Mr. Brown will have a report on that at the  
20 next meeting --  
21 MR. BROWN: Right.  
22 MS. PENDERGRASS: -- in terms of what's been  
23 resolved in that regard. Okay?  
24 Did you get that, Ron, in terms of action item?  
25 (Mr. Keichline nods.)

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<p>1 MS. PENDERGRASS: Very good.</p> <p>2 All right.</p> <p>3 Lea, technical review.</p> <p>4 MS. LOIZOS: Okay.</p> <p>5 MS. PENDERGRASS: You did meet?</p> <p>6 MS. LOIZOS: Yes. In fact, I -- the meeting</p> <p>7 that Karen has scheduled was a combined meeting with her</p> <p>8 and I, and so there were two.</p> <p>9 I had a separate meeting talking about the</p> <p>10 Parcel A FOST, and then there was a subcommi- -- a joint</p> <p>11 meeting between Karen's group and our group to respond</p> <p>12 to Dr. Sumchai's concerns. Karen was ill. Nobody came,</p> <p>13 but I have done some of the legwork to look at the</p> <p>14 things you requested.</p> <p>15 So, okay. Starting with the par- -- Parcel A</p> <p>16 meeting, I apologize this month. I know we just</p> <p>17 complained about this, but this is the first time I've</p> <p>18 done this. I don't have my meeting -- my summary typed</p> <p>19 up yet.</p> <p>20 But basically, there were a good group of --</p> <p>21 there was a good group of people there. We had the</p> <p>22 Navy. We had the Redevelopment Agency, City. Amy</p> <p>23 Brownell was there. Michael Work came and then several</p> <p>24 RAB members. And it was an opportunity for people to</p> <p>25 express their concerns or ask any questions about the</p> <p>Page 69</p>	<p>1 Parcel E radiological risk assessment, I went back and</p> <p>2 looked over the risk assessment from Parcel A and the</p> <p>3 remedial investigation.</p> <p>4 And you're right that when that was written in</p> <p>5 '95, there were a lot of concerns about high levels of</p> <p>6 metals, like manganese and nickel -- for manganese and</p> <p>7 nickel.</p> <p>8 And I was trying to figure out why that fell</p> <p>9 out over time. And what happened is that the PRGs, the</p> <p>10 preliminary remediation goals, from the EPA actually</p> <p>11 changed, which happens all the time, but normally they</p> <p>12 get more stringent. In this case, they have actually</p> <p>13 gotten to be less stringent. They have different dose</p> <p>14 assessments, that they found out that higher doses</p> <p>15 are -- they determined that higher doses are still safe.</p> <p>16 So I -- if you redo the risk assessment</p> <p>17 calculations with the new PRGs, those risks are now</p> <p>18 greatly reduced and below a risk of 1.</p> <p>19 There were also -- I think in the past, there</p> <p>20 were concerns with the groundwater, metals in the</p> <p>21 groundwater. But it's been determined by everybody and</p> <p>22 everybody agreed -- whether or not you agree, I'm just</p> <p>23 telling you what was agreed upon -- that -- that</p> <p>24 groundwater will never be -- no one will ever come into</p> <p>25 contact with groundwater on Parcel A because it is</p> <p>Page 70</p>
<p>1 transfer of Parcel A and some of the remaining issues.</p> <p>2 There was no -- Nobody really focused on</p> <p>3 the -- on Parcel A itself. It seemed like the majority</p> <p>4 of the concerns were the adjacency issues.</p> <p>5 We had Charles Mazowiecki, the Navy RPM, for</p> <p>6 the landfill gas removal action. He was there, given</p> <p>7 the latest information on that and -- which basically</p> <p>8 said that there hasn't been any landfill gas, any</p> <p>9 methane, detected in -- on Crisp Avenue even after they</p> <p>10 put new wells in and that they have never detected</p> <p>11 methane gas there.</p> <p>12 They have lots of controls put in place. The</p> <p>13 Navy feels very confident that landfill gas will not be</p> <p>14 reaching Parcel A, and so it's not a concern at this</p> <p>15 point.</p> <p>16 And I think that was the main thing that the</p> <p>17 meeting focused on.</p> <p>18 MS. PENDERGRASS: Did you have any</p> <p>19 recommendations of the meeting at all?</p> <p>20 MS. LOIZOS: No. We didn't come up with any --</p> <p>21 It was more just a discussion. Nobody -- There were no</p> <p>22 recommendations.</p> <p>23 And then the response to your conc- --</p> <p>24 questions, Ahimsa, which I think dealt with I believe</p> <p>25 that was the Parcel A risk assessment and also the</p> <p>Page 70</p>	<p>1 bedrock and it's very hard to get access to. So there</p> <p>2 was -- that concern was wiped out.</p> <p>3 So that's the story with the risk -- with the</p> <p>4 Parcel A.</p> <p>5 With Parcel E -- I'm sorry that I'm going so</p> <p>6 long, but I have a lot to talk about.</p> <p>7 With Parcel E, I actually haven't reviewed the</p> <p>8 HRA extensively myself, but we contracted out to a group</p> <p>9 who's done it, and the concerns that they raised were</p> <p>10 basically they felt more so that there hasn't been</p> <p>11 enough looking at how things have gotten off the</p> <p>12 Shipyard, like off of Parcel E onto Parcel F and the</p> <p>13 effects that it's had on the bay and on the sediments in</p> <p>14 the bay.</p> <p>15 And they felt that the groundwater pathway</p> <p>16 should have been looked at. When you look at the risk</p> <p>17 assessment, they don't look at the exposure to</p> <p>18 groundwater as a drinking water source, which whether or</p> <p>19 not Parcel E groundwater will ever be used as drinking</p> <p>20 water is suspect, but it felt it should have been looked</p> <p>21 at.</p> <p>22 And I also had some questions as to why only</p> <p>23 radium was considered one of the radionuclides -- wa</p> <p>24 the only radionuclide of concern on Parcel E. It seemed</p> <p>25 to me that there -- that several other radionuclides</p> <p>Page 72</p>



1 should be -- should have been looked at.  
2 So that's my report.  
3 MS. PENDERGRASS: All right. Thank you.  
4 Mr. Tompkins, I see your hand; but at this  
5 point, unless the question is about something that she's  
6 recommended, she's just giving her --  
7 MR. TOMPKINS: Yes.  
8 MS. PENDERGRASS: -- report.  
9 Are you --?  
10 MR. TOMPKINS: As former chair of the Health  
11 Risk Assessment, it has been a standing policy of  
12 concern that the Navy change the standards, as we have  
13 discussed in Parcel B as well, on manganese exposure and  
14 on the previous consultant that was hired --  
15 MR. MASON: Take the mike.  
16 MR. TOMPKINS: -- prior to --  
17 MR. MASON: Take the mike.  
18 MS. JACKSON: Take the mike because I can't  
19 hear you.  
20 MR. TOMPKINS: -- prior to the --  
21 It has been in past discussion also on Parcel B  
22 about the manganese and the increased susceptibility  
23 that African-Americans and people of color with melanin  
24 in your skin that the standards on risk assessment is  
25 based on a 35-year-old healthy white male. I've given

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1 the lectures repeatedly -- repeated several times here  
2 before the RAB.  
3 Therefore, what they have done by lowering the  
4 standards is increase the health risk to people of  
5 color. It is racism, is environmental racism. And that  
6 standard, which they have said is okay, is not for my  
7 children and any other people of color in this  
8 community.  
9 MS. JACKSON: All right.  
10 MS. PENDERGRASS: Mr. Tompkins?  
11 MR. TOMPKINS: And that --  
12 MS. PENDERGRASS: Mr. Tompkins?  
13 MR. TOMPKINS: -- is the standard report that  
14 I've given --  
15 MS. PENDERGRASS: Mr. Tompkins --  
16 MR. TOMPKINS: -- several lectures.  
17 MS. PENDERGRASS: -- you are not adding to the  
18 report, because you weren't there at that meeting, were  
19 you?  
20 So at this point, I'm asking you just as a  
21 point of process, sir, not to interject open to her  
22 report, unless it was about her report --  
23 MR. TOMPKINS: It is about --  
24 MS. PENDERGRASS: -- or --  
25 MR. TOMPKINS: -- the report.

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1 MS. PENDERGRASS: -- or adding to her report.  
2 You're adding new information.  
3 MR. TOMPKINS: No, ma'am. This is standard  
4 historical -- I've given several lectures here and that  
5 on the Parcel A, which was a recommendation saying that  
6 it's safe, I'm in total objection and make as a minority  
7 report on that that the risk assessment that the Navy  
8 has done is totally inadequate and that the standard was  
9 based --  
10 MS. PENDERGRASS: So --  
11 MR. TOMPKINS: -- on white males.  
12 MS. PENDERGRASS: -- you're -- you're making  
13 that statement.  
14 What --? Are we rediscussing that in the  
15 subcommittee, or are you making some motion to the --  
16 MR. TOMPKINS: I make --  
17 MS. PENDERGRASS: -- RAB as a whole RAB?  
18 MR. TOMPKINS: -- a recommendation here --  
19 It is my understanding of the report that was  
20 given that the standard was safe. I am stating for the  
21 record that it is not safe based on the data information  
22 that has been presented in the record and of the  
23 previous consultant --  
24 MS. PENDERGRASS: So how --  
25 MR. TOMPKINS: -- that the Navy has hired.

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1 MS. PENDERGRASS: -- would you like that -- how  
2 would you like that comment handled?  
3 Where --?  
4 MR. TOMPKINS: As a minority opinion to the  
5 addendum --  
6 MS. PENDERGRASS: So --  
7 MR. TOMPKINS: -- to the report.  
8 MS. PENDERGRASS: -- just an opinion to the  
9 report.  
10 MR. TOMPKINS: Well --  
11 MS. PENDERGRASS: No recommendation --  
12 MR. TOMPKINS: Recommendation that the  
13 standards not be accepted.  
14 MS. PENDERGRASS: Miss Asher?  
15 MR. TOMPKINS: And recommend that it be brought  
16 up at the next Technical Risk Assessment meeting as  
17 well --  
18 MS. PENDERGRASS: All right.  
19 MR. TOMPKINS: -- that the -- that the  
20 recommendation be reconsidered and these factors be  
21 taken into account.  
22 MS. PENDERGRASS: And do you have a date for  
23 the next meeting?  
24 MS. PIERCE: I will have it before -- after the  
25 break.

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1 MR. TOMPKINS: Please, not Wednesday. I have  
2 to have a teaching --  
3 MS. PENDERGRASS: Miss Asher.  
4 MS. ASHER: I -- I just want to speak to this,  
5 that we -- we have been discussing this for several  
6 years, and a number of us have objected to the Navy  
7 changing their standards for the PRGs.  
8 And so I just want to go on record in saying  
9 that we have been in discussion about this for years.  
10 I -- I'm familiar with the issue from working with Arc  
11 Ecology and Chris Shirley, who was here before Lea, and  
12 I object to it because I think it's a sham.  
13 MS. JACKSON: Very good.  
14 MS. LOIZOS: And -- and I'm not -- I'm not  
15 saying this to contradict anything anybody else has  
16 said. I just want to make some clarification because I  
17 feel like I'm partially responsible for your comments.  
18 And so I just -- I just want you to  
19 understand -- well, but the one thing I don't think I  
20 made clear maybe was that the levels that they are using  
21 are the EPA standards. What I was -- what I  
22 recalculated with was the current EPA standards, which  
23 you might still have an issue with, but that's -- and  
24 that --  
25 MS. ASHER: I do.

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1 MS. LOIZOS: And also, I might be wrong in  
2 saying this, but I'm pretty certain -- and maybe the  
3 regulators or the Navy can help me out -- that the  
4 levels on Parcel A are not comparable to levels on  
5 Parcel B. The levels on Parcel B, I believe, are  
6 potentially above PRGs, whereas the levels on Parcel A  
7 are not.  
8 DR. SUMCHAI: Levels of what?  
9 MS. LOIZOS: Of manganese. I -- I might be  
10 wrong about that, though.  
11 MR. BROWN: You are.  
12 MS. PENDERGRASS: But t- -- but the  
13 recommendation that I'm hearing from Mr. Tompkins and  
14 Miss Asher is that you've made a report that the level  
15 is acceptable in your --  
16 MS. ASHER: No.  
17 MS. PENDERGRASS: -- report and -- or -- or  
18 that there's a level, and then I'm hearing --  
19 MS. ASHER: No.  
20 MS. PENDERGRASS: -- that there's some problem  
21 with the change in those levels.  
22 MS. ASHER: No, no, no, no, no.  
23 MS. PENDERGRASS: So is there some action?  
24 I'm --  
25 MS. ASHER: No.

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1 MS. PENDERGRASS: -- trying to get to that.  
2 MS. ASHER: I'm going to -- No.  
3 MR. MANUEL: I've got my hand up for --  
4 MS. ASHER: Basically --  
5 MR. MANUEL: -- I don't know how long.  
6 MS. ASHER: -- my problem is not -- excuse  
7 me -- with Lea's report. The problem is that the PRGs  
8 were changed by the Navy concerning nickel and magnesium  
9 [sic], and we don't -- we don't agree with that. And I  
10 don't care if they are the current EPA standards either.  
11 MS. PENDERGRASS: Okay.  
12 MS. ASHER: That has nothing to do with, you  
13 know, Lea just reporting this information that has been  
14 changed, but it's wrong -- it -- it -- it is morally  
15 wrong.  
16 MS. PENDERGRASS: So how would you like to --  
17 MS. ASHER: How would I --?  
18 MS. PENDERGRASS: -- handle the -- the RAB to  
19 handle that other than your comment going on record?  
20 That's what I'm trying to get at.  
21 How would you like that handled? More  
22 discussion? Is there something that you are asking --?  
23 MR. MANUEL: I had my hand up for ten minutes.  
24 You've gone back and forth.  
25 MS. PENDERGRASS: I'm sorry. I'm trying get

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1 some clarity on that point --  
2 MR. MANUEL: Well, I understand, but --  
3 MS. PENDERGRASS: -- Mr. Manuel. Just --  
4 You're next.  
5 MR. MANUEL: But I had my hand up before she  
6 even had the mike the last time.  
7 MS. PENDERGRASS: I'm sorry, Mr. Manuel. I was  
8 trying to get some clarity on what she'd like to happen  
9 on that before we move on.  
10 MR. MANUEL: But she'd already made her  
11 statement. She already said --  
12 MR. TOMPKINS: For clarity on -- on the point.  
13 MS. PENDERGRASS: I -- I got clarity on the  
14 point.  
15 I'm asking, what action do you want to  
16 happen --  
17 MR. TOMPKINS: We would want --  
18 MS. PENDERGRASS: -- from your comment?  
19 MR. TOMPKINS: Basically, the Navy needs to  
20 come in and discuss it, because in the previous meeting  
21 at Treasure Island, they stated that they were supposed  
22 to have included risk assessment for people of color.  
23 They headed up a risk assessment team, made that in the  
24 general theme to all the Bay Area RABs.  
25 I have not seen any literature. I have not

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1 seen anything within a risk assessment showing increased  
2 susceptibility to people with color in the material that  
3 I have reviewed at this time. If there is, I'd like to  
4 see that forwarded.

5 We were made a promise that it was supposed to  
6 be included. In the documents I received, I have not  
7 seen that.

8 MS. PENDERGRASS: Mr. Manuel, would you like to  
9 add something for the --?

10 MR. MANUEL: Yes, very briefly here.

11 As Lela [sic] said earlier, you know, from what  
12 I heard in the report, these were EPA --

13 MR. BROWN: Right.

14 MR. MANUEL: -- deals.

15 So people were -- were misstating to say that  
16 the Navy's changed --

17 MR. BROWN: Right.

18 MR. MANUEL: -- something.

19 Far as I understand, the Navy is bound by what  
20 Congress tells them to do as far as this whole process  
21 here.

22 So if the EPA is who establishes the levels,  
23 then we got EPA people sitting here.

24 MR. BROWN: Right.

25 MR. MANUEL: Why are we not asking them --

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1 MR. WORK: Okay.

2 MS. PIERCE: So the -- the resolution to this  
3 is that after the break, I will have a date for the next  
4 risk review meeting.

5 MS. PENDERGRASS: Yes.

6 MS. PIERCE: I will be coordinating to make  
7 sure that we have a date where EPA and the Navy and RAB  
8 members can all be present. That's why I'm not throwing  
9 out a date off of just my datebook.

10 MR. MASON: What about the contractors you had?

11 MS. PENDERGRASS: Okay.

12 MR. MANUEL: Okay.

13 MR. PIERCE: But we'll make sure -- we'll try  
14 to get a date where we're sure that all of the people  
15 who need to be there can be there for that discussion.

16 MR. MANUEL: Well, in conclusion to what I was  
17 basically saying, I make a motion that we -- whether  
18 it's at a subcommittee meeting or it's at the R- -- a  
19 next general RAB meeting, that the EPA brings something  
20 to us that establishes, once and for all, this issue,  
21 and that's it, because anything else is kind of  
22 superfluous, far as I'm concerned.

23 I mean, he's already said he'll look into it.

24 So why don't we just --?

25 I make a motion that however you guys want it,

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1 MR. BROWN: Right.

2 MR. MANUEL: -- is this a safe situation for  
3 African-Americans or not, and how did you arrive at  
4 lowering the -- the PT- -- parts per million, or  
5 whatever they are, you know, if -- if this community is  
6 considered, which is -- is, you know, African-American  
7 everybody else kind of community?

8 I -- I think we should be asking the -- the EPA  
9 instead of beating up the -- the Navy all the time, you  
10 know. I think that's what we should be doing if we want  
11 to get to the bottom of it. Instead of a  
12 back-and-forth, back-and-forth --

13 MS. PENDERGRASS: All right. Mr. --

14 MR. MANUEL: -- let's ask the people who are in  
15 control of what the Navy does.

16 MS. PENDERGRASS: Just a minute.

17 You've had your hand up, sir?

18 MR. WORK: Yes. The question about the PRG --

19 MR. MASON: Give him a mike.

20 MR. WORK: The PRG established by EPA, if  
21 that's the question, I don't know -- I'm not a  
22 toxicologist. I don't know which studies went into  
23 establishing the PRG for manganese that EPA established,  
24 but I can find out.

25 MS. PENDERGRASS: Okay.

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1 whether it's the next meeting or at a subcommittee  
2 meeting, that we have this data available, and we should  
3 ask him what -- how much time he needs to pro- --  
4 provide this and just go on from there. Do I get a  
5 second here?

6 MR. BROWN: Yeah, that's good.

7 MS. PENDERGRASS: Do you have a second to that?

8 MR. BROWN: I'll second it.

9 MS. RAB MEMBER: Second.

10 MS. PENDERGRASS: Okay. Any discussion?

11 The motion again is to have the EPA respond to  
12 the -- the question about why the standards were changed  
13 at the subcommittee meeting and then ultimately report  
14 it back to the full RAB. That's the motion, as I  
15 understand it.

16 MR. MANUEL: Basically it is.

17 MS. PENDERGRASS: Okay. Is there any other  
18 discussion on that?

19 MR. MANUEL: I think he has something he wants  
20 to say here.

21 MR. WORK: No. I was going -- I was going to  
22 say something just because -- actually, the way you just  
23 stated it is exactly what I was going to suggest.

24 MS. PENDERGRASS: Okay. Very fine.

25 At this point, then, I'll call the question.

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<p>1 How many -- are in favor, say "Aye." 2 THE BOARD: Aye. 3 MS. PENDERGRASS: Anybody opposed? Any ab- -- 4 any abstentions to that vote? 5 (No verbal response elicited.) 6 MS. PENDERGRASS: All right, then. So the 7 motion carries; and at this point, the resolution to 8 that will be an action item on the next agenda, but it 9 will also be followed up in the meantime by Mr. Work and 10 to -- through the Risk Review and Health Committee 11 chair, Miss Pierce. All right? All right. Very fine. 12 Economic Development. Mr. Campbell, are you 13 making that report tonight? 14 MR. CAMPBELL: Well, Mark Gelsinger will be 15 doing much of it. The -- We have some positive things 16 to talk about. Since 1978 approximately \$18 million was 17 spent locally, and Mark's going to be talking about some 18 new numbers and the number of employees that took place 19 and what also took place at the economic workshop. 20 Mark? 21 MS. PENDERGRASS: Okay. Mark? Can I ask you 22 to hold your comments for just about ten minutes so that 23 we could give our reporter a break? 24 MR. GELSINGER: Absolutely. 25 MS. PENDERGRASS: Thank you so much.</p> <p>Page 85</p>	<p>1 a truckers training session. We actually had a workshop 2 yesterday with all the Navy prime contractors, and we 3 held a training session for the local Bayview truckers 4 today, and it was pretty well-received. 5 What we're trying to do is trying to 6 standardize the requirements package, trying to 7 standardize invoicing and the proposal process. We will 8 follow it up next month. 9 They've also requested us to do some HAZWOPER 10 training, or hazardous training; and we will do the 11 8-hour refresher training probably two times next month. 12 MS. PENDERGRASS: Very good. 13 MR. GELSINGER: Okay. The numbers. 14 MR. MASON: You need to get your information on 15 that. 16 MR. GELSINGER: In 2003 we did \$38 million on 17 the base. We only subcontracted \$700,000 locally. 18 In fiscal year 2004 from October through 19 present, the Economic Subcommittee took this on under 20 Maurice's chair, and year to date we have spent 21 \$28 million on the base. Two point five million of that 22 has gone to the local community in subcontracts. 23 Another 144,000 has gone to local businesses for 24 consumable-type products, like fuel, food, supplies -- 25 MS. PENDERGRASS: Okay.</p> <p>Page 86</p>
<p>1 Take ten, everybody. 2 (Recess 7:12 p.m. to 7:22 p.m.) 3 MS. PENDERGRASS: All right. Mr. Gassinger -- 4 MR. ATTENDEE: Gelsinger. 5 MS. PENDERGRASS: Gelsinger. Yes, sir. Thank 6 you. 7 Please take your seats, and we can move through 8 this a little more quickly and a little more orderly 9 tonight. 10 Yes, sir. Continue. 11 MR. GELSINGER: Good evening. My name's Mark 12 Gelsinger. We held a economic workshop at the Earl 13 P. Mills Auditorium on the 27th of March. We had 14 122 participants from the community and 57 vendors. 15 We had presentations -- or participation by the 16 Small Business Administration and the Federal Technology 17 Center and all of the Navy prime contractors working on 18 Hunters Point, and the goal was to talk about 19 subcontracting opportunities. 20 We also recognized YCD for their outstanding 21 work in the -- on the base. 22 MS. PENDERGRASS: They all -- 23 MR. GELSINGER: We -- 24 MS. PENDERGRASS: -- disappeared. 25 MR. GELSINGER: We also held -- Today we held</p> <p>Page 86</p>	<p>1 MR. GELSINGER: -- with the expected through 2 the remainder of the year 2.1 million and into early 3 next year and another 335,000 to the -- in consumables 4 in the local area. 5 Another encouraging thing is, last year we had 6 39 employees that were hired locally for various lengths 7 of time. Thus far this year we had 28 with an 8 additional 69 expected through the end of this year and 9 into next year. 10 MS. PENDERGRASS: Very good. 11 MR. GELSINGER: And that's it. That's all I 12 have for the report. 13 MS. PENDERGRASS: Thank you, sir. 14 Mr. Campbell? 15 MR. BROWN: That's good. 16 (Applause.) 17 MR. BROWN: That's good. That's more than what 18 the City is doing. 19 MR. CAMPBELL: One thing I'd like to say is 20 thank you to Neil Hart. Is he still here? 21 MS. PENDERGRASS: Can you speak up, sir? 22 MR. CAMPBELL: Well, I'd like to say thank you 23 to Neil Hart for coordinating the economic event. 24 MS. PENDERGRASS: Okay. 25 MR. CAMPBELL: The economic event was taken</p> <p>Page 88</p>

<p>1 place while the famous basketball game was going on.</p> <p>2 MR. BROWN: Right.</p> <p>3 MS. PENDERGRASS: All right. Very good. All</p> <p>4 right. Very good.</p> <p>5 All right. In the -- in the effort -- in</p> <p>6 the --</p> <p>7 MR. MASON: The economic.</p> <p>8 MR. HANIF: Specifically the records for the --</p> <p>9 the haz- -- HAZMAT refreshers, I would like -- actually</p> <p>10 like someone to contact me and talk to me because I am a</p> <p>11 qualified HAZMAT instructor, and we do have some</p> <p>12 potential options to do some training through YCD.</p> <p>13 So --</p> <p>14 MR. CAMPBELL: Sure. We're -- we're going to</p> <p>15 be scheduling that on -- sometime towards the latter</p> <p>16 part of May. We'll be in contact with you first on that</p> <p>17 specifically.</p> <p>18 MR. HANIF: Okay.</p> <p>19 MR. CAMPBELL: Thank you.</p> <p>20 MS. PENDERGRASS: Very good. I'm going to</p> <p>21 close the discussion at this point, because we're really</p> <p>22 running long and since it's comments about -- this is</p> <p>23 really not a motion or anything or recommendations at</p> <p>24 this point. So we need to move on, or otherwise we're</p> <p>25 going to run late -- run late.</p> <p>Page 89</p>	<p>1 And let's go to the first slide. This is a</p> <p>2 slide that is taken from the declaration in the Parcel A</p> <p>3 Record of Decision, page 1 description of the selected</p> <p>4 remedy, no action. The US Department of the Navy and</p> <p>5 EPA Region 9 have selected no action for the following</p> <p>6 sites at Parcel A at Hunters Point Annex. IR-59 is</p> <p>7 groundwater underlying Parcel A, IR-59 Jerrold Avenue</p> <p>8 investigation, the soil at a residential involving</p> <p>9 Jerrold Avenue within Parcel A.</p> <p>10 Before I go further, let me tell you a little</p> <p>11 bit about Parcel A.</p> <p>12 Parcel A was established in 1992 as a result of</p> <p>13 the Federal Facilities Agreement that the Navy and the</p> <p>14 regulators entered into after the base was closed and</p> <p>15 after Hunters Point Shipyard, following investigations</p> <p>16 by the Navy, was determined to have a number of</p> <p>17 hazardous substances and was placed on the National</p> <p>18 Priorities List as a federal Superfund site, Mr. Forman,</p> <p>19 pursuant to CERCLA as amended by SARA. This is directly</p> <p>20 from the opening of the Parcel A remedial investigation</p> <p>21 report, which I brought to you today in a 10-foot U-Haul</p> <p>22 truck.</p> <p>23 The -- Parcel A is very, very interesting in</p> <p>24 that it has undergone a number of revisions of its</p> <p>25 boundaries. Parcel A was initially 90 acres in the SI</p> <p>Page 91</p>
<p>1 Again, I just remind everybody that if you have</p> <p>2 as a RAB member an issue that you'd like to talk about</p> <p>3 more in depth with the RAB, that you contact the</p> <p>4 co-chair and put that on the agenda.</p> <p>5 Tonight we're going to move into Dr. Sumchai's</p> <p>6 presentation or a discussion about the Parcel A ROD and</p> <p>7 related documents.</p> <p>8 (Applause.)</p> <p>9 DR. SUMCHAI: Is this on? Okay.</p> <p>10 My name is Ahimsa, Dr. Ahimsa Sumchai. I chair</p> <p>11 the Radiological Subcommittee at the Hunters Point</p> <p>12 Shipyard RAB.</p> <p>13 Some of you may not know that I completed a --</p> <p>14 a two-year postdoctoral research fellowship at Stanford</p> <p>15 University in 1988 to 1986 [sic] in the Department of</p> <p>16 Surgery, and in 1997 I was head of the Persian Gulf</p> <p>17 Agent Orange and Ionizing Radiation Registry for the</p> <p>18 Palo Alto Veterans Administration. The Veterans</p> <p>19 Administration Hospitals has a largest toxic registry in</p> <p>20 the country.</p> <p>21 I'm going to be talking with you about a very</p> <p>22 controversial document, the Parcel A ROD, and its</p> <p>23 supporting documents; and I wanted to specifically focus</p> <p>24 on some of the health and legal aspects of the proposed</p> <p>25 transfer of Parcel A.</p> <p>Page 90</p>	<p>1 report in 1994. By 1995 in the RI report, it was down</p> <p>2 to 88 acres. There were acres that were taken away from</p> <p>3 it.</p> <p>4 And then by August of last year, Parcel A was</p> <p>5 down -- well, let me see. Correct. Okay. By August of</p> <p>6 last year, it was still 88 acres, but what happened was</p> <p>7 that there were subparcels that were added to the</p> <p>8 boundaries. And as you recall, that generated some</p> <p>9 controversy. And in the current FOST, Parcel A has now</p> <p>10 been whittled down to 75 acres, and essentially that has</p> <p>11 been in an effort to remove contaminants from outside</p> <p>12 its boundaries.</p> <p>13 So essentially what we are finding is that the</p> <p>14 more we study Parcel A, the more we find it is</p> <p>15 contaminated and the smaller it gets. So if you follow</p> <p>16 infinite logic, in a hundred years, there will be no</p> <p>17 Parcel A, okay.</p> <p>18 So let's look at the next slide.</p> <p>19 There are some very important legal issues with</p> <p>20 regard to the Parcel A boundaries. It is required under</p> <p>21 the CERCLA Act and under the National Environmental</p> <p>22 Policy Act that anytime there is a revision of the</p> <p>23 boundaries of a parcel that has been cleared under the</p> <p>24 CERCLA Act, that, you know, you have to ascertain that</p> <p>25 certainly any additions to that boundary or any</p> <p>Page 92</p>

<p>1 adjacency issues that are introduced by revisions of 2 that boundary are in keeping with human health and the 3 environment. This is the requisite for a NEPA warranty 4 for -- that protects human health. 5 Parcel A is also very controversial. 6 Mr. Forman and I had a brawl yesterday in the meeting 7 about the fact that the Parcel A FOST documents that of 8 the 15 subparcels in Parcel A, 7 of them have an ECP 9 overall category of 4 to 7. 10 Now, to transfer Parcel A, the ECPA -- the ECP 11 categories, you said, have to be under 4. Now, what 12 happened is, like this is a -- you know, one of the 13 areas here [indicating], there is a -- sub-Parcel A is 14 S46A and it's also S46E. This is a subparcel. The 15 overall category of the subparcel is 7, which means it's 16 terrible, and you don't want anyone living on a 17 subparcel that has this ECP category. 18 But they have assigned a ECP category of 1 to 19 the A portion and 7 to the E portion. The overall ECP 20 category is 7. So it's still bad. 21 So in my mind, the thing is, I -- you know, 22 let's -- I don't want to make this a stand-up comedy 23 act, but it's going to be unavoidable. 24 But what magically happened at this line that 25 made Parcel E segment dirty and the Parcel A segment</p> <p style="text-align: right;">Page 93</p>	<p>1 And I have to say to you, Lea, that your 2 interpretation of human health risk assessment was 3 wrong, and I have to encourage you as a scientist to 4 always be independent in your thinking and never just 5 incorporate the opinions and viewpoints of people around 6 you even if they are your superiors. 7 The human health risk assessment report for 8 Parcel A was not minimizing its impact because the PRGs 9 were lowered. It was because chemicals of potential 10 concern, like arsenic and lead and cobalt and chromium 11 and nickel, that drove a high cancer risk and adverse 12 health risks that are not related to cancer were thrown 13 out because they were designated as having a Hunters 14 Point ambient level. 15 And those Hunters Point ambient levels were 16 based on statistical analyses that incorporated an 17 incredible amount of uncertainty. 18 One of the biggest uncertainties about 19 calculation of HPALS for nickel and chromium and cobalt 20 was the assumption that they were present at ambient 21 levels. Nickel is plentiful in the earth's crust; but 22 according to the medical establishment, the highest 23 source of nickel in the environment comes from the 24 combustion of fuel oil. 25 So when we look at nickel at Hunters Point</p> <p style="text-align: right;">Page 94</p>
<p>1 clean is just an imaginary line, though. But something 2 happened here. 3 But in all seriousness, the reality is that 4 there are areas of this base that never went -- 5 underwent the CERCLA process of the first steps of 6 preliminary assessment and site investigation. And 7 despite that fact, we have ECP categorizations for areas 8 that essentially were never even looked at in peekaboo 9 fashion, much less area -- you know, much less areas 10 that underwent a site investigation. 11 And none of the areas, of course, in the five 12 geographic land parcels on parc- -- on the Hunters Point 13 Shipyard have gone through the full nine steps of the 14 CERCLA process. 15 Parcel A, the Navy did a preliminary assessment 16 and a site investigation on seven sites. And then of 17 the seven sites, they took to the third stage, the 18 remedial investigation stage, two sites. And we're 19 going to talk about the results that they found when 20 they looked at those sites. 21 Now, before that, I want to introduce an even 22 more complicated and controversial issue. That is the 23 issue of what is in the dirt on Parcel A at the Hunters 24 Point Shipyard, because we have heard a lot about 25 ambient levels of chemicals of potential concern.</p> <p style="text-align: right;">Page 94</p>	<p>1 Shipyard, we should be saying, well, maybe it's ambient; 2 but you remember that 610,000 gallons of fuel that were 3 burned in Operation Crossroads? Maybe some of the 4 nickel came from there, you know. Duh. 5 So those are some of the issues that I wanted 6 to touch upon with regard to the subparcels. 7 With regard to the dirt in Parcel A, Parcel A 8 is comprised of a lot of different kinds of materials. 9 There is the serpentinite component of Franciscan 10 bedrock. You all have heard that. In fact, they will 11 give you the impression that that is the only form of 12 Franciscan bedrock that is underlying Parcel A. That is 13 not the case. There is chert, there is sandstone, and 14 there is greenstone. 15 Much of IR-59 JAI where the principal RI 16 investigation is not Franciscan complex bedrock. It is 17 slope and ravine deposits. 18 A lot of this is fill, and I mention that for a 19 couple of reasons because it brings to mind the issue of 20 whether or not these are truly ambient levels; but also 21 more importantly, the Parcel A RI report identifies that 22 the disturbed soil and fill is derived from underlying 23 undisturbed native topsoil and contains asphalt 24 fragments, nails, lumber, and glass. 25 These soils are a result of fuel placement and</p> <p style="text-align: right;">Page 96</p>

<p>1 disturbances related to the construction of building 2 foundations, utility trenching, or minor site grading. 3 So if I lost some of you, let me just bring you 4 back to the point that in calculating Hunters Point 5 ambient levels, the biggest source of the uncertainty is 6 presuming that these chemicals are ambient, and there's 7 no reason why anyone in this room who has any scientific 8 foundation and training would accept that they are 9 ambient, especially chemicals that are found above their 10 HPALs. 11 Nickel and chromium, which drove hazard 12 indice- -- indices above 1, were there above their HPAL. 13 If they're above their ambient level, obviously they are 14 not ambient. Okay. So let me get off of the moment and 15 let's move -- 16 MS. PENDERGRASS: You have about four more 17 minutes. 18 DR. SUMCHAI: Is that right? Okay. Well, let 19 me -- okay. Let's move the next slide forward, then. 20 Okay. One of the major points that I'm going 21 to make to you is that the Parcel A's not suitable for 22 transfer. So let me just get to the gist of my 23 presentation and tell you why Parcel A isn't suitable 24 for transfer, because there are seven subparcels within 25 Parcel A that had a ECP classification of 4 to 7. And</p> <p>Page 97</p>	<p>1 So because of the presence of sandblast grit at 2 IR-59 JAI that did not undergo radiological eva- -- 3 evaluation, IR-59 JAI is essentially a MARSSIM-Class 1 4 radiologically impacted area unless you can prove to me 5 that it is not. And I suggest as an action item that 6 the Navy address this issue at the next meeting. 7 The other issues that I want to bring to you 8 and -- 9 Can you give me the next slide? 10 The CERCLA process, I talked about the fact 11 that the Navy got this far with Parcel A [indicating] 12 and has not taken any other parcel, you know, any 13 further. And even as part of the remedial investigation 14 report, there were chemicals of potential concern that 15 were found in exceedingly high levels, and the health 16 risks that were calculated again were calculated by 17 excluding many of those chemicals on the premise that 18 they were present in the ambient levels. 19 The next slide. 20 These are some of the chemicals for which 21 ambient levels were calculated. Arsenic is very common 22 in the environment. Arsenic -- you know, it kills 23 people. It's terrible stuff. You don't want your kids 24 rolling around in the soil ingesting arsenic. But 25 arsenic is also found in pesticides, and pesticides are</p> <p>Page 99</p>
<p>1 the Navy can explain to us why Parcel A is okay despite 2 that. 3 The second reason, in the Parcel A SI 4 investigation, the storm drain system and the sanitary 5 sewer system was investigated as part of SI 50, and 6 there was no analysis done for radionuclides. And now 7 the HRA has established that the storm systems on all 8 the base are an impacted area. All of them have to 9 undergo a evaluation. 10 So the Parcel A sanitary sewer system and storm 11 drain systems in keeping with the recommendations of 12 RASO in the HRA have to be looked at, as does the entire 13 base's system, for, you know, potential radiological 14 impaction. 15 Second thing at IR-59 JAI, there were two sites 16 in which black beauty sandblast grit were discovered. 17 Radiological analyses were not done on either of those 18 sites. 19 And I also went back over the IR report. It 20 was pointed out to me erroneously that black beauty 21 sandblast grit has not been detected on the base at 22 levels above background. That is not the case. The HRA 23 identifies that at IR-14 sandblast grit was detected in 24 which radium and its daughters exceeded their background 25 levels.</p> <p>Page 98</p>	<p>1 diffuse. Pesticides are ambient at the Hunters Point 2 Shipyard. 3 Nickel is one of the most toxic substances used 4 in industry. Mercury, the regulators did not agree on 5 HPALs for mercury. The regulators did not agree on 6 HPALs for selen- -- selenium and for antimony. 7 The next slide. 8 Again, the regulators did not agree on many of 9 these HPALs; and if the regulators didn't agree, we 10 really should not have signed off on the Record of 11 Decision. 12 The next slide. 13 The residential scenario for IR-59 JAI, I want 14 to go into the calculation just as they go into 15 calculating an HI. Essentially it should be less than 16 1. On IR-59 JAI, it's 12. There are other SI sites 17 where it was as high as 20, or it was as high as 100. 18 The carcinogenic risk, what this -- what the 19 carcinogenic means is that -- risk means is that if you 20 take a million people, the excess cancer risk, if it's 21 above 1 in a million, that's significant to -- for the 22 EPA. 23 But what the calculation is at this site, it 24 means that for 4,000 people, there were two extra cases 25 of cancer on IR-59 JAI. That's extremely significant.</p> <p>Page 100</p>



<p>1 It is driven by the components of diesel. Diesel is one 2 of the key components that is driving the carcinogenic 3 risk. 4 Okay, and the next slide. 5 Groundwater. The importance of the groundwater 6 investigation is that the groundwater investigation grew 7 out of the investigation of the storm drains and the 8 sanitary sewer system. And if you presume that they 9 need to be looked at as part of the basewide impacted 10 action that's recommended in the current HRA, then the 11 whole groundwater analysis for -- of Parcel A also has 12 to be presumed to be potentially a site of radiological 13 impaction. It certainly was not analyzed for. 14 And the next slide. 15 This is the slide that shows that nickel is 16 present above its PRG and its detected range and above 17 its HPAL. Same thing for chromium. This is PRG. This 18 is how much was detected. This is HPAL. This is what 19 really knocks me over. This is in post-excavation soil. 20 This is after they took the soil out. 21 The next slide. 22 I won't talk about the fires. I won't talk 23 about the fact that the Hunters Point Fire District and 24 the San Francisco Fire District has documented fires for 25 the last four years in the regions of Parcel A where we</p> <p>Page 101</p>	<p>1 properly, you know, give time to what we're trying to 2 do. I mean, we gave you -- what, ten minutes for your 3 presentation here, and we have talked too long earlie 4 and all of that. 5 What I'd like to do is take questions because 6 you prepared this tonight, but then we're not going to 7 get to the Navy conveyance agreement presentation. 8 So what's the pleasure of this RAB in terms of 9 before we go forward with the questions? 10 MR. TOMPKINS: We can make a motion for 11 extension of the meeting so we can deal with the Navy's 12 conveyance. 13 MS. PENDERGRASS: Mr. Keichline -- 14 MR. TOMPKINS: Chair- -- chair to find that? 15 MR. ATTENDEE: It's my understanding. 16 MR. MANUEL: I'd like -- 17 MS. PENDERGRASS: Do we have a second on that 18 motion first? 19 MR. TOMPKINS: Extension of the meeting to 20 cover the conveyance. 21 MR. MANUEL: I basically will -- will second 22 that. I think -- I think we owe Dr. Sumchai our respect 23 for her putting together such a thorough -- 24 MS. ATTENDEE: All right. 25 MR. MANUEL: -- presentation, and I think we</p> <p>Page 1'</p>
<p>1 want to build houses this summer. But I think it's 2 something for you to think about. 3 I think the regulators need to look at this as 4 imminent risk. I mean that the -- I think the FOST 5 needs to be expanded to look at fire hazards at Hunters 6 Point Shipyard as the most potent imminent risk and 7 threat to human lives and property in the environment. 8 Next slide. 9 You know, a science fiction writer said it, 10 "The highest function of science is the understanding of 11 consequences." It's not how smart I am, you know, that 12 I had read the IR report. It's not how smart Mr. Forman 13 is that he is the BRAC Environmental Coordinator. It's 14 how smart you are in understanding the consequences of 15 what the decisions you make are. 16 And I want all of you to think about in your 17 hearts whether or not you believe that the Parcel A 18 portion of the Shipyard at this point is truly safe for 19 the residential development. There certainly is nothing 20 in the Navy documents that I have looked at that support 21 that. 22 And I think that that is the final slide. 23 Okay. All right. I know you got it for me. I'm ready. 24 MS. PENDERGRASS: But, Doctor, Dr. Sumchai, we 25 do have a -- we're running long tonight because we don't</p> <p>Page 102</p>	<p>1 should deal with it while it's fresh in our minds. So I 2 do second that motion. 3 MS. PENDERGRASS: All right. So then barring 4 any other discussion on that, shall we call the 5 question? The question is, shall we continue the 6 meeting at least another half an hour to cover the 7 additional material that's on the agenda? All in favor 8 of that motion, say "Aye." 9 THE BOARD: Aye. 10 MS. PENDERGRASS: Can I see a show of hands on 11 that? Just want to make sure. And -- 12 Okay. Those opposed to that? 13 (Ms. Pierce raises her hand.) 14 MS. PENDERGRASS: Okay. We have one. 15 And an -- abstentions? 16 Okay. And then I think just in all fairness 17 for the regulators, do you all agree with that tonight, 18 since you have to stay as well, or is that -- is that 19 going to work for you? 20 MR. REGULATOR: Yeah. 21 MS. PENDERGRASS: All right. Very fine. Looks 22 like we have some consensus here. So we're going to go 23 forward with -- go forward with the questions for 24 Dr. Sumchai. 25 What I would also like to just make sure we are</p> <p>Page 104</p>



1 clear on is that we're having a discussion here; but if  
2 there's anything that you want -- action item, you need  
3 to say that to be an action item or make some  
4 recommendations for an action so that we're not just  
5 going around in circles and we're just talking about it  
6 at course.  
7 So I see -- I see Mr. Manuel. I see Chris. I  
8 see this hand, and then we'll go on. Okay.  
9 MR. TOMPKINS: Sure.  
10 MS. PENDERGRASS: Go ahead, Chris.  
11 MR. HANIF: No. I was just trying to direct  
12 your attention --  
13 MR. MANUEL: You see, she don't see me most of  
14 the time.  
15 MS. PENDERGRASS: Well, wear a white hat next  
16 time.  
17 MR. MANUEL: I'll have to start singing "We  
18 Shall Overcome" here.  
19 Anyway --  
20 MR. TOMPKINS: You all going to kill me.  
21 MR. MANUEL: Firstly, I'd like to thank the  
22 good doctor, that's a marvelous presentation.  
23 MS. ATTENDEE: Yeah.  
24 (Applause.)  
25 MR. MANUEL: Having said that, I have -- it's

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1 like I'll be real brief about this, but there's, like,  
2 multi part of one question here.  
3 First off --  
4 MS. PENDERGRASS: Mr. Manuel, I just want to --  
5 we're going to take one --  
6 MR. MANUEL: I'll be real brief.  
7 MS. PENDERGRASS: -- question, one comment and  
8 one question for us -- everyone.  
9 MR. MANUEL: Okay.  
10 MS. PENDERGRASS: One.  
11 MR. MANUEL: All right, all right, all right,  
12 dear. All right.  
13 Well, then, let me try to -- well, I can't  
14 bifurcate this. Okay. So anyway, I'll go to the main  
15 point. I'll go to the main point here.  
16 I think the thing that's most serious that the  
17 good doctor mentioned up there was that there was a  
18 potential or -- she didn't say, "potential." She said  
19 that -- out and out that certain areas weren't being  
20 assessed as a part of the process of -- of transfer.  
21 And I happen to know quite a bit about CERCLA law, et  
22 cetera.  
23 And I -- my question, I guess, basically, is --  
24 to the regulators is, is there -- well, and this goes to  
25 the EPA as well as the Navy and whoever else is

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1 involved:  
2 Is there a -- is there a mechanism whereas you  
3 are circumventing the -- the investigation of every  
4 square -- whatever the normal process is of Parcel A as  
5 well as any other parcel, are you willing to transfer  
6 any parcel that is at issue here without a full  
7 assessment? And I guess that's the bottom line what my  
8 question is.  
9 MR. BROWN: Yes.  
10 MS. PENDERGRASS: And who are you directing  
11 that question to?  
12 MR. MANUEL: Whoever wants it. I mean, the --  
13 basically, the bottom line is --  
14 MS. PENDERGRASS: Can you direct that question  
15 to a particular individual?  
16 MR. MANUEL: Well -- well, I guess the reason  
17 why I really don't want to do that is because whoever --  
18 I guess Navy, I mean, because ultimately the Navy has  
19 the last word on this. But there are other agencies  
20 here that direct the Navy. So it's hard to direct it --  
21 direct it to somebody.  
22 The main point is -- is that the process -- I'm  
23 just saying, there's a process here --  
24 MS. PENDERGRASS: You've got the question. I'm  
25 asking you, who are you directing the question to?

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1 THE REPORTER: Only one person at a time,  
2 please. I can't get anything if we have more than one  
3 person speaking.  
4 MR. ATTENDEE: All right.  
5 MS. PENDERGRASS: Can you direct the question?  
6 MR. MANUEL: You know, I think these people  
7 have a lot of integrity. Some say -- Somebody grab  
8 this question and answer it for us and in -- thorough  
9 way because I really don't know. Just the EPA? I just  
10 don't want to go to the Navy. I mean, I don't know who  
11 to direct it to.  
12 MS. JACKSON: It is the Navy.  
13 MR. WORK: Just make a quick statement. We  
14 have been taking another look at the remedial decision  
15 from Parcel A. It's several years old now. It's, I  
16 think, late '95. So far -- and we're looking at the  
17 data again. So far we haven't identified anything that  
18 would cause us to reopen that decision.  
19 In other words, right now -- and -- and, you  
20 know, our minds remain open for new information at any  
21 time. But so far we haven't seen anything that would  
22 cause us to want to reopen a CERCLA decision for  
23 Parcel A.  
24 DR. SUMCHAI: Okay. Well, again, I --  
25 MR. MANUEL: My question wasn't -- wasn't

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<p>1 answered. Is -- is there going to be a full assessment 2 of everything? That's what my question basically was. 3 Is there going to be a full assessment to 4 establish what the issues are environmentally to not 5 only the community at-large, but anybody else human, 6 whether they happen to be, as Mr. Tompkins has 7 suggested, African-American or anybody else, is -- is -- 8 is there going to be a full assessment and -- and -- and 9 of -- 10 MS. PENDERGRASS: Okay. 11 MR. MANUEL: -- every -- 12 MS. PENDERGRASS: Mr. Manuel -- 13 MR. MANUEL: -- race? 14 MS. PENDERGRASS: -- we have your question. 15 MR. MANUEL: Well, I mean, apparently not. 16 MS. PENDERGRASS: Can you answer that or -- 17 MR. FORMAN: Yes. 18 MS. PENDERGRASS: -- respond to that? 19 MR. FORMAN: Sure. 20 The assessment is in two key documents: the 21 Record of Decision and then the Finding of Suitability 22 to Transfer. And that's why I encourage people to look 23 into and to join up with people who are looking into the 24 FOST. If you're not used to reading environmental 25 documents, get with Lea Loizos or Dr. Sumchai. Somebody</p> <p>Page 109</p>	<p>1 MS. PENDERGRASS: I -- 2 DR. SUMCHAI: -- to try to -- 3 MS. PENDERGRASS: I hear -- We -- Both sides 4 have stated their -- stated their opinions on this at 5 this point, and I don't hear any recommendations or any 6 actions that -- 7 DR. SUMCHAI: I -- I made recommendations. I 8 gave you -- 9 MS. PENDERGRASS: Can you sum up --? 10 DR. SUMCHAI: -- five. 11 Yes. I want you guys to clarify the overall 12 ECP classifications of 7 of the 15 Parcel A subparcels 13 that are designated 4 through 7 in the FOST -- you don't 14 have to do it tonight -- the Parcel A SI 50 storm drain 15 sanitary sewer systems. Because of the decision made in 16 the draft final HRA, they need to undergo a scoping and 17 characterization -- characterization -- characterization 18 survey as well as the storm drain lines around the 19 basewide impacted areas, everything on the base. 20 The black beauty sandblast grit discovered at 21 IR-59 JAI at two sites was not analyzed for radium 226 22 or plutonium fission products. It is therefore a 23 MARSSIM Class 1 impacted area. I would like RASO to 24 specifically address this. 25 The Parcel A FOST needs to deal with the</p> <p>Page 1</p>
<p>1 who's -- has been reading it maybe can help you. 2 But the Finding of Suitability to Transfer is 3 that documentation, Mr. Manuel, and the Record of 4 Decision is the final decision document. 5 The finding of Suitability to Transfer, the 6 FOST, documents the CERCLA and some non-CERCLA issues; 7 and if you read it, then that's the -- the comprehensive 8 review that's required prior to transfer -- 9 DR. SUMCHAI: I just need to emphasize -- 10 MR. FORMAN: -- from the Navy. 11 DR. SUMCHAI: -- to Mr. Work, I felt that you 12 heard me, as part of the draft final HRA, this is it, 13 basewide impacted areas, the storm drain lines for the 14 base. And it specifically says that the known continued 15 access contamination potential is likely in your former 16 NRDL building locations. 17 The storm drains and sanitary sewer systems 18 that were investigated in SI 50 on Parcel A fall into 19 this category. Parcel A was the site of NRDL 20 laboratories. 21 So just on the basis of what is in the -- you 22 know, the HRA, this is -- this is information that -- 23 you cannot ignore this, okay? 24 MS. PENDERGRASS: Okay. I -- 25 DR. SUMCHAI: And I would like --</p> <p>Page 110</p>	<p>1 imminent threat and risk of fire if you are aware that 2 there is a development plan that calls for building 3 houses, demolition and deconstruction in an area where 4 there were five fires last July and August, and then the 5 conveyance agreement specifically stipulates that the 6 hazard indices be less than 1 and the cancer -- excess 7 cancer risk be less than, you know, 1 times 10 to the 6. 8 And this is not defined in the Parcel A -- 9 MS. PENDERGRASS: Okay. 10 DR. SUMCHAI: -- human health risk -- 11 MS. PENDERGRASS: Okay. So -- 12 DR. SUMCHAI: -- or Record of Decision. 13 MS. PENDERGRASS: So, Doctor, at this point, at 14 this point, I need to ask the question of the Navy, is 15 there anything the Navy is willing to do in terms of 16 those actions or recommendations at this juncture? Yes 17 or no. I mean, that's really the question on the table 18 at this point. 19 MR. FORMAN: Yeah. 20 We would be -- we would be happy to take a look 21 at those, Dr. Sumchai, and then report back to 22 everybody. 23 And I'm not -- again, I'm not here to embarrass 24 anybody, but let me just put this out: You have either 25 misread, misrepresented, or flat-out just don't</p> <p>Page 112</p>

1 understand some of the basics that go into the business 2 of environmental -- 3 DR. SUMCHAI: Is that right? 4 Does -- 5 MR. FORMAN: -- human environment -- 6 DR. SUMCHAI: -- everyone -- 7 MR. FORMAN: -- assessment. 8 DR. SUMCHAI: -- agree with Mr. Forman? 9 MR. ATTENDEE: No. 10 ATTENDEES: No. 11 MS. ATTENDEE: There was one -- 12 MS. PENDERGRASS: That's not what it's about at 13 this point. 14 DR. SUMCHAI: No, it is. It is. 15 MR. FORMAN: So all I want to say, Dr. Sumchai, 16 is: We will -- we will go ahead and we will completely 17 address these issues, if you wish, in the next RAB. 18 DR. SUMCHAI: I think we should. 19 MR. FORMAN: And -- But we will also work with 20 you, and I'd like to show you some of the documents. We 21 need to get together during the month and go over some 22 of these things so I can explain some of the things 23 about how things are done in the documents, and I think 24 that will lead to a better understanding for you. And 25 then I'll report back -- because it's my obligation to	1 MS. PENDERGRASS: Very -- very fine. I didn't 2 see that. 3 MR. TOMPKINS: I have a -- I have a point for 4 all of us -- 5 MS. PENDERGRASS: We'll get back to -- 6 MR. TOMPKINS: -- okay? And it's some of that 7 respect that J. R. said earlier as well. 8 Look, if we can disagree, but mutual respect 9 for each other is mandatory -- 10 MS. ASHER: Thank you. 11 MR. MANUEL: Here, here. 12 MR. TOMPKINS: -- period, in terms of 13 emotionalism that we put in, yes. 14 Then it's -- some of us do volunteer work, just 15 all the research. 16 Keith, I think your comments -- you may 17 disagree with Dr. Ahimsa; but in terms of mannerism of 18 how same thing earlier with Ahimsa in terms of 19 relationships with Lea, we all have to respect each 20 other -- 21 MR. FORMAN: I agree. 22 MR. TOMPKINS: -- in that I think the result of 23 lack of professionalism -- 24 MS. ASHER: Yeah. 25 MR. TOMPKINS: -- especially with someone
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1 do this, I'll report that back to the rest of the RAB. 2 DR. SUMCHAI: Sure. 3 MR. FORMAN: Okay. 4 MS. PENDERGRASS: Wha- -- and can I also just 5 ask for this? Dr. Sumchai, can -- because we're going 6 to put this on as a action item for the next RAB in 7 terms of having this followed up, but also can -- will 8 you all have an opportunity to meet so that there will 9 be a follow-up and resolution to your -- 10 DR. SUMCHAI: Oh, sure. 11 MS. PENDERGRASS: -- for next -- for next time, 12 either a further agreement or not or first 13 recommendation? I just want to make sure so they're not 14 left unresolved. 15 DR. SUMCHAI: Yes. 16 MS. PENDERGRASS: Does that make sense to you? 17 Now, is there anything that hasn't been 18 discussed or that we need to -- 19 MR. TOMPKINS: Yeah. 20 MS. PENDERGRASS: -- add to this? 21 MR. TOMPKINS: I have -- I have a point here. 22 MS. PENDERGRASS: Let's start with Miss Pierce 23 first and -- 24 MS. PIERCE: Well, you had a list of people and 25 my -- my name -- my hand just went up.	1 working on this voluntarily, free, and not paid; that's 2 a lot of damn work. And I'm a scientist. That's a lot 3 of work without a staff. Everybody -- 4 MR. FORMAN: That's fine. I don't -- I don't 5 appreciate the verbiage in a presentation which 6 indicates that we have deceived people and that the 7 document is deceitful. 8 MR. TOMPKINS: Again, personalization -- this 9 is what I'm saying, personalization -- 10 MS. PENDERGRASS: I -- 11 MR. TOMPKINS: -- is keep to the point -- 12 MS. PENDERGRASS: I think -- 13 MR. TOMPKINS: -- of where -- 14 MS. PENDERGRASS: -- you both -- 15 MR. TOMPKINS: -- we're going -- 16 MS. PENDERGRASS: -- have made your point -- 17 MR. TOMPKINS: --to dispute the facts. 18 MS. PENDERGRASS: -- about that. You both have 19 made your point about that. 20 MR. TOMPKINS: That's all the way around for 21 everybody, okay? 22 MS. PENDERGRASS: You both have made your point 23 about that. So let's -- 24 MR. TOMPKINS: But I have a question later in 25 terms of the --
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1 MS. ASHER: Yeah. I don't want to --  
2 MR. TOMPKINS: -- facts.  
3 MS. ASHER: -- belabor this either, but I -- I  
4 felt that Dr. Sumchai deserves more respect from the  
5 Navy than that, and I felt offended by that.  
6 MS. JACKSON: That's right.  
7 MS. PIERCE: I would move it to another  
8 discussion; and I would like to -- I would like to just  
9 remind all of us that in our discussions concerning  
10 Parcel B, we still have pending the issue of what is  
11 ambient.  
12 And the fact that we haven't received that  
13 response should bear on this report that we're looking  
14 at right now, because the Risk Review Committee and the  
15 full RAB has agreed that the Navy determining ambient  
16 levels of certain chemicals in an area that is full of  
17 not only -- well, full of landfill and has been built on  
18 fill that they removed from hills that we know had some  
19 of these substances is a serious problem.  
20 So I don't think we should go forward with  
21 anything related to Parcel A until we review and  
22 finalize that discussion about what is ambient and what  
23 isn't.  
24 MS. PENDERGRASS: So is there a recommendation  
25 that's following that, Miss Pierce?

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1 MS. PIERCE: That that should be part of the  
2 recommenda- -- the part of the recommendations that  
3 Dr. Sumchai has made I'm asking to include that we go  
4 back to that discussion about what is ambient and get a  
5 final resolution on that.  
6 MS. PENDERGRASS: Is that -- is that clear to  
7 you, Mr. Forman, what that entails?  
8 MR. FORMAN: No.  
9 MS. PENDERGRASS: Okay. I -- From what I  
10 understand you just said is that as part of the issues  
11 that you're clarifying that Dr. Sumchai presented and  
12 that you're addressing, there also needs to be an  
13 addressment to what ambient means, what that level  
14 means, some clarification around ambient, the term  
15 ambient. Can you provide that kind of clarity?  
16 MR. FORMAN: Yes, we can -- we can explain the  
17 development and -- and the formulation of Hunters Point  
18 ambient levels, which are called HPALS.  
19 MS. PENDERGRASS: Is that -- is that what  
20 you're asking for? Okay. That's in addition to that,  
21 and that will be noted.  
22 MS. PIERCE: We're -- we're asking for more  
23 than that. We heard that.  
24 MR. FORMAN: Right.  
25 MS. PIERCE: We have not accepted that. We

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1 I have said that they are distorting what is ambient and,  
2 as a result of that distortion, are allowing parcels to  
3 be transferred that really are not safe.  
4 MS. PENDERGRASS: And I'm asking, what do you  
5 want to do with it? What do you want to do?  
6 MS. PIERCE: Well, we agree that we were going  
7 to fully discuss that, and we have not fully discussed  
8 that on Parcel B, that that was going to be an issue in  
9 the future because we never resolved it.  
10 MS. PENDERGRASS: Okay.  
11 MS. PIERCE: Since it's coming up on Parcel A,  
12 which is to be transferred imminently, I think we need  
13 to get back to that discussion.  
14 MS. PENDERGRASS: Okay. Okay. So then what  
15 are you asking? Tell me -- Clarify the recommendation,  
16 Miss Pierce.  
17 MR. MANUEL: Somebody needs to make a motion is  
18 what the problem is here. I mean, it's not fair to the  
19 Navy. It's not fair to the doctor. Someone will either  
20 make a motion --  
21 MS. PENDERGRASS: I --  
22 MR. MANUEL: -- that clarifies that.  
23 MS. PENDERGRASS: At this point, I was hearing  
24 an action item follow-up to the -- the items that  
25 Dr. Sumchai presented. Miss Pierce said that that was

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1 not correct.  
2 MS. PIERCE: I just want the Navy to address  
3 that with the other recommendations, which means that we  
4 have to continue a discussion.  
5 MS. PENDERGRASS: Are you clear about it at  
6 this point?  
7 MR. FORMAN: May I make a --  
8 MS. PIERCE: This is --  
9 MR. FORMAN: -- recommendation, Karen, that  
10 we --?  
11 MS. PIERCE: -- a long -- This is -- this is  
12 hanging over a long time --  
13 MR. FORMAN: Well --  
14 MS. PIERCE: -- and --  
15 MR. FORMAN: -- why don't we --?  
16 MS. PIERCE: -- the State has agreed with us  
17 that your characterization of background levels or  
18 ambient levels of certain chemicals is wrong, and we  
19 need to get that finally resolved.  
20 MR. TOMPKINS: State has one definition.  
21 Mr. Chin Chow [phonetic], who was previously at the one  
22 when we talked about manganese and the whole issue that  
23 there's never been resolved and that go on to Parcel A,  
24 and we're using a definition that no one has defined.  
25 There are two differences --

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1 MS. ATTENDEE: I got it.  
2 MR. TOMPKINS: -- the state and the federal,  
3 and it's never been resolved.  
4 It has been the subcommittee's recommendations  
5 that they agreed with the State in their definition.  
6 The federal government has a different -- The Navy has  
7 a different operation -- operational definition. It  
8 hasn't been resolved. That issue needs to be resolved  
9 before any transfer -- would be my motion that no  
10 transfer be taken -- taken place until these definitions  
11 are clarified and come to agreement.  
12 MS. PIERCE: I'll second it.  
13 MR. FORMAN: Okay. But, Karen, you -- you had  
14 said that we had already talked about that --  
15 MR. TOMPKINS: There are always references to  
16 deal --  
17 MR. FORMAN: -- in reference to "A" --  
18 MR. TOMPKINS: -- with soil.  
19 MR. FORMAN: So you're now talking about --  
20 MS. PIERCE: No.  
21 MR. FORMAN: -- "B."  
22 MS. PIERCE: We -- we talked about it with  
23 reference to "B." It has just come up with reference to  
24 "A," and that's why I'm saying, this was on hold because  
25 it was a discussion about Parcel B that we were going to

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1 get back to you.  
2 MR. TOMPKINS: That dealt with land- --  
3 MS. PIERCE: Since --  
4 MR. TOMPKINS: -- fill.  
5 MS. PIERCE: Yeah, that dealt with landfill.  
6 Since it's coming up with Parcel A, we need to bring  
7 that back to --  
8 MR. TOMPKINS: On the table.  
9 MS. PIERCE: -- the table.  
10 MS. PENDERGRASS: And I'm -- and I'm going to  
11 frame this one more time. I'm trying to get to what is  
12 the action you're requesting and whether or not the  
13 Navy's clear about that.  
14 MS. PIERCE: That that discussion be reopened  
15 in -- in reference to Parcel A.  
16 MS. PENDERGRASS: Do you understand what the  
17 recommendation is or the action is, Mr. --  
18 MR. FORMAN: Not --  
19 MS. PENDERGRASS: -- Forman or Mr. Brooks?  
20 MR. FORMAN: Not exactly at this point.  
21 MS. LUTTON: Can I clarify?  
22 MS. PENDERGRASS: Just a moment, Miss Lutton.  
23 MR. BROOKS: This will just take a second.  
24 A little bit of hard time understanding what's  
25 being asked. But to further the discussion, would that

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1 be similar to, I think, if you recall, last summer where  
2 we met over at the gym and talked about the --  
3 MS. PIERCE: Right.  
4 MR. BROOKS: -- hundred soil samples we  
5 collected out in the city and how the metals results we  
6 got from those samples on residential areas on Chauncey  
7 [phonetic] and Malta streets, Twin Peaks, here on Innes.  
8 Those values were consistent and sometimes even  
9 higher than the ones that we find at the Shipyard.  
10 So, I mean, if you look at just one sample,  
11 cancer risk on Twin Peaks can go 10 to the minus 4.  
12 MS. PENDERGRASS: Okay. But I -- I --  
13 Again --  
14 MR. BROOKS: So --  
15 MS. PENDERGRASS: -- getting to the process,  
16 what is there --?  
17 MR. BROOKS: I can -- I can -- I can offer to  
18 come back and explain to you and discuss the -- the  
19 findings of that study that we did within the city.  
20 MS. PENDERGRASS: But I hear -- I hear -- but I  
21 hear Miss Pierce saying that everyone understands what  
22 you've said. They don't agree.  
23 What I'm asking for is, what action do you want  
24 to -- the Navy to take from that, or what do you want to  
25 happen?

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1 I don't -- I don't quite understand what can  
2 happen from that. So I'm asking, what do you want to  
3 happen from that?  
4 MR. FORMAN: Can Karen talk to me --  
5 MS. PIERCE: The State --  
6 MR. FORMAN: -- and request me to do that?  
7 MS. PIERCE: The State -- the State -- At that  
8 meeting and at the subsequent RAB meeting, the State  
9 said: "That is incorrect. We do not agree with it."  
10 And that has never been resolved.  
11 MS. PENDERGRASS: Okay.  
12 MS. PIERCE: And we need to get final  
13 resolution. I think this is a good place to have that  
14 discussion and try to come to some resolution --  
15 MS. PENDERGRASS: Just a moment.  
16 MS. PIERCE: -- because it is really  
17 detrimental to our health to allow the Navy to start  
18 deciding what is ambient and to have what they decide be  
19 beneficial only to them.  
20 MS. PENDERGRASS: Okay.  
21 MS. PIERCE: Okay?  
22 MS. PENDERGRASS: We have a couple more people  
23 who want to weigh in on this conversation.  
24 Yes, sir, and then over here and then Miss  
25 Lutton.

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1 MR. RIPLEY: I just wanted to compliment  
2 Dr. Sumoon -- Sumoonchee [phonetic]?  
3 MS. ATTENDEE: Sumchai.  
4 MR. RIPLEY: -- Sumcha [phonetic] for a  
5 thorough presentation.  
6 And also, this is a question directly to  
7 Mr. Keith Forman regarding as I see here and sit here  
8 and observe and listen, I like to ask, are -- is this  
9 presentation is in some other language translation?  
10 Especially up in this hill, again the 60 percent is  
11 African-American, and 40 percent is Samoan Pacific  
12 Islander.  
13 I would like to directly ask the Navy to please  
14 have this -- some of this very important -- very  
15 important information to be translated. Thank you.  
16 MS. PENDERGRASS: All right. Let's -- I'm  
17 sorry. I think we had Mr. Manuel; then we have Miss  
18 Lutton and then Chris.  
19 MR. TISDELL: What happened to Mr. Tisdell?  
20 MS. PENDERGRASS: I'm sorry. You're still  
21 sitting there. I have not forgotten you. Then  
22 Mr. Tisdell and we'll go to Miss Lutton.  
23 (Simultaneous colloquy.)  
24 MS. PENDERGRASS: Could we wait a minute? And  
25 in fact, we have -- we have four more questions. We had

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1 an hour, and we need to stop for ten minutes. So ten  
2 minutes and we'll reconvene.  
3 (Recess 8:08 p.m. to 8:18 p.m.)  
4 MS. PENDERGRASS: We need to reconvene or we'll  
5 be here till midnight.  
6 MS. BUSHNELL: Or all night, whatever is  
7 needed.  
8 MS. PENDERGRASS: I know this is a committee  
9 room. And I think that as Miss Asher would say, we need  
10 to go on the record as saying that, you know, there's  
11 appreciation all around for the -- all the work that  
12 goes into a RAB committee and RAB members here, a lot of  
13 volunteer hours.  
14 I know all the regulators are being paid; Navy  
15 people are being paid. But the people around the RAB  
16 that represent the community are not paid people, for  
17 the most part. They are doing this out of a sense of  
18 civic duty.  
19 So from that perspective, let us move forward a  
20 little bit, a little bit more forward. We have three  
21 more questions or comments about Dr. Sumchai's  
22 presentation, and then we have a presentation by Miss  
23 Warren unless those questions to Dr. Sumchai can hold.  
24 So, Chris, I think you were next, and then we  
25 had Mr. Tisdell.

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1 MR. MANUEL: No. I was actually next after  
2 Michael.  
3 MS. PENDERGRASS: Well, you go right ahead,  
4 sir.  
5 MR. MANUEL: I know you don't -- I know you  
6 don't love me, but I have to speak up.  
7 MS. PENDERGRASS: Yes, sir.  
8 MR. MANUEL: Okay. First off, you know, this  
9 question has come up before in previous meetings. There  
10 will be issue regarding who has the final say in the way  
11 this base is treated.  
12 My experience, which is 30 years as a developer  
13 in all these various areas, is that because it's a  
14 federal facility, the feds have trump card. Unless they  
15 subordinate to the State, this is a federal facility,  
16 and the feds are going to decide how this is cleaned up.  
17 This is my -- this is my education. Now, if -- if  
18 I'm -- if I'm a ignorant person, then now you know.  
19 But having said that, having said that, what I  
20 recommend is -- because everybody kind of wants the same  
21 thing, but nobody's putting it in a format for it to be  
22 effectively dealt with. The Navy is confused because  
23 they don't -- no one is really asking them to  
24 participate in something that gives them a means of  
25 answering these questions properly. People are saying.

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1 Well, I want this.  
2 But what I'm sa- -- what I'm suggesting here is  
3 that we acquire some sort of pro forma as to how this  
4 process is supposed to proceed.  
5 And if that pro forma is then augmented,  
6 changed, or -- or rearranged specifically to Hunters  
7 Point, I think we should know that there's been a change  
8 of plans so that people can see for themselves how in  
9 fact this process is supposed to take place and if in  
10 fact these things are -- are being adhered to, such as  
11 the chemicals being ignored because they're ambient --  
12 MS. PENDERGRASS: Mr. Manuel --  
13 MR. MANUEL: -- and because the -- because the  
14 fact --  
15 MS. PENDERGRASS: -- can you get to the point?  
16 MR. MANUEL: Well -- well, what I'm trying to  
17 say is, I'm recommending that -- that the Navy and/or  
18 other regulators provide to the RAB a basic operational  
19 process for how these things are supposed to take place  
20 and that these various regulators present themselves at  
21 a subcommittee meeting with questions from all of the  
22 people involved as to the things that are very dear to  
23 them to be answered at that meeting so that, once and  
24 for all, people can get their answers to their questions  
25 and that the regulators can fairly be asked these

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1 questions ahead of time so they can be prepared for  
2 them.  
3 And that way we can move on from there, and  
4 then -- and the questions would be answered, and people  
5 can be shown how this stuff is supposed to go and how  
6 they are proceeding according to the way it's supposed  
7 to be.  
8 MS. PENDERGRASS: All right.  
9 MR. MANUEL: That's my -- that's my --  
10 MS. PENDERGRASS: Okay.  
11 MR. MANUEL: -- motion.  
12 MS. PENDERGRASS: Mr. Tisdell and then Chris.  
13 MR. TISDELL: I have -- I have -- I have -- I  
14 have a recommendation. Like Dr. Shimshai [phonetic] got  
15 her -- her report, Navy come with theirs, Cal. EPA come  
16 with theirs, sit down; and RAB members, who are very  
17 interested in what is going on, will come to the meeting  
18 so that way everybody can have a clear understanding  
19 instead of like now, confused.  
20 MS. PENDERGRASS: Okay. All right.  
21 Miss Lutton?  
22 MS. LUTTON: I -- I've -- Never mind.  
23 MS. PENDERGRASS: Okay. Chris?  
24 MR. HANIF: Just quickly, I just want to make  
25 sure that whatever date is set for this to transpire

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1 that I got that information I said.  
2 MS. PENDERGRASS: All right, Mr. Hanif, we'll  
3 make sure we write that down.  
4 Mr. Lanphar?  
5 MR. LANPHAR: Tom Lanphar for the Department of  
6 Toxics.  
7 And I could follow up on, you know, what you're  
8 suggesting, I -- I think it's important that be  
9 available either in a subcommittee meeting or a RAB  
10 meeting to look at those points.  
11 And Dr. Sumchai made, I think, five main  
12 points, and maybe there's a few other minor points too.  
13 At the break I talked to her.  
14 What I'm going to do is include those points,  
15 and I'll look at the -- the ROD and the FOST and make  
16 sure that for myself I understand what went on in the  
17 past. There's a lot of people who I ride on the  
18 shoulders of, Dr. Chein Kao, for one.  
19 And so I have to understand, well, what  
20 happened way back when and/or make sure that -- so far,  
21 like as Michael Work said, we have looked at the FOST.  
22 We have looked at the ROD, I should say. We looked at  
23 the ROD and other past decisions and haven't found  
24 anything right now that we're ready to reconsider.  
25 There has been things that have been

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1 identified, and the Navy has shrunk the parcel  
2 boundaries in order to deal with those that they -- we  
3 can't deal with them and so were going to remove them.  
4 And so far we have been okay with the -- the movement of  
5 the boundaries.  
6 But we will look at these five points plus the  
7 ambient levels. There's -- whether or not the CERCLA  
8 process and how the decisions were made to look at all  
9 the sites, remove the SI site inspections, go to  
10 remedial investigations, a lot of data was collected and  
11 so far of what I looked at the ROD and the remedial  
12 investigation.  
13 It's -- it's really hard to go back and  
14 second-guess what people did ten years ago. It's very,  
15 very difficult. So you really have -- have really good  
16 new information that's going to say "Oh, this is  
17 something new," like now the storm sewers and the  
18 radiological impacts of those sewers. So that part --  
19 piece of the problem has been removed.  
20 So that's what I could do, include these points  
21 in our review and make sure that we're satisfied and we  
22 understand those.  
23 MR. MANUEL: I got to --  
24 MS. PENDERGRASS: So at this point, we have --  
25 MR. MANUEL: I think it's great --

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1 MS. PENDERGRASS: We have an action at this  
2 point being suggestion -- a suggestion --  
3 MR. MANUEL: I made a motion.  
4 MS. PENDERGRASS: -- by the Department, and --  
5 We don't have a motion on the floor.  
6 MR. MANUEL: I made a motion that we set up  
7 such a meeting that these things can take place. I did  
8 make the motion.  
9 MS. PENDERGRASS: The motion was never  
10 seconded.  
11 MR. MANUEL: I -- You never called for --  
12 MR. TOMPKINS: You never called --  
13 MR. MANUEL: -- anything. I did make a motion  
14 along with my statement.  
15 MS. PENDERGRASS: Let's -- let -- Again,  
16 again, at this point, so what -- let's clarify the  
17 motion. In light of Mr. Lanphar's action suggestion, do  
18 you want to clarify a motion?  
19 MR. MANUEL: Gladly. Basically --  
20 MS. PENDERGRASS: Can you just state it?  
21 MR. MANUEL: That's what I'm going to try to  
22 do. What language do you want me to say it in? I mean,  
23 you know.  
24 I mean basically talking to the EPA and -- and  
25 hearing his -- his statements and -- and knowing Keith

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<p>1 Forman, you know, as I do, I believe the regulators, 2 from what I'm hearing, are more than amenable to this. 3 So my motion basically is that we set up an 4 opportunity for the RAB members, community, and the 5 regulators to have an opportunity to -- to -- First off, 6 the regulators need to be poised [sic] -- the question 7 needs to be posed to them before this event, and they 8 then will be in opportunity to come -- 9 MS. PENDERGRASS: Let me help you with this 10 motion. Your motion is, you would like to propose a 11 meeting of the regulators and have them meet with the 12 Navy and get back to us around those recommendations. 13 Is that not what you want to say? 14 MR. MANUEL: But I want them to have the 15 questions in advance so that nobody's there saying, 16 "Well, I'll have to get back to you." 17 MS. PENDERGRASS: Okay. So -- 18 MR. MANUEL: So I guess you always hurt the one 19 you love. Is that what I do? 20 MS. PENDERGRASS: Okay. So we've got the 21 points. We -- You've got the points? Mr. Work, do you 22 have the points? 23 You have the points. You all are agreeing to 24 meet with the Navy and to talk about this in advance to 25 formulate a presentation, and is that going to be on the</p> <p>Page 133</p>	<p>1 MR. MANUEL: Because other people may have 2 something to -- 3 MS. PENDERGRASS: Make sure we got a second. 4 We can have a little bit more discussion, and we're 5 going to call the question. 6 Yes, sir. 7 MR. LANPHAR: When's the new comment period of 8 the POST in this discussion? 9 MR. FORMAN: May 17th. 10 MR. LANPHAR: May 17th is the -- the next 11 comment period. 12 MR. FORMAN: It would be separate from the RAB 13 meeting, because it would have to be before then. 14 MR. LANPHAR: Before us -- Going to be 15 before -- 16 MS. PENDERGRASS: Do we want to convene an 17 entire RAB meeting or a subcommittee that everybody 18 attends? 19 MR. MANUEL: It seems to me -- 20 MS. PENDERGRASS: What's your pleasure? 21 MR. MANUEL: It seems to me that the 22 subcommittees seem to be good enough. I mean, we could 23 just -- 24 What do you think, Doc? 25 DR. SUMCHAI: Well, my availability is limited</p> <p>Page 132</p>
<p>1 next month's agenda? 2 MR. FORMAN: Get the RAB -- I'd like to -- 3 MS. PENDERGRASS: We'd like to do that, or we'd 4 like to move that to July? I just want some clarity on 5 that. 6 MR. MANUEL: I think people want these 7 answers -- 8 MR. TOMPKINS: Now. 9 MR. MANUEL: -- now. 10 MS. PENDERGRASS: Okay. So we're going to put 11 the -- So that's the motion, that this work will be 12 done and that these questions will be answered and 13 talked about in a presentation, and the resolution will 14 be on the -- 15 MR. TOMPKINS: Next agenda, next month. 16 MS. PENDERGRASS: -- June RAB meeting. That's 17 the -- that's the motion. 18 MR. MANUEL: The meeting's in May. 19 MR. FORMAN: May. 20 MS. PENDERGRASS: May. 21 MR. MANUEL: You also have to discuss how the 22 people will present their questions so you people will 23 be able to answer them. 24 MS. PENDERGRASS: Okay. Okay. Let's get a 25 second on that motion.</p> <p>Page 134</p>	<p>1 by how many times I -- 2 MS. JACKSON: I can't hear you. 3 DR. SUMCHAI: My availability is limited in for 4 evening meetings, and we may want to think about, you 5 know, something that's a workshop, you know, maybe on a 6 Saturday. I hope people could do that, but I -- 7 MR. MANUEL: That sounds good. 8 MS. PENDERGRASS: So are you all going to take 9 it upon yourselves to do this before the next RAB 10 meeting, or shall we set a date right now? 11 DR. SUMCHAI: We should set a date right now. 12 MS. PENDERGRASS: All right. Somebody throw 13 something out here so we can haggle over it. 14 MR. MANUEL: They are vying for the question to 15 be formed so they can answer the questions. 16 MS. PENDERGRASS: The questions are already 17 posed. 18 MR. MANUEL: No, they are not. There's other 19 people here that have questions too. RAB members, they 20 have questions. 21 MS. PENDERGRASS: I -- I'll tell you what, why 22 don't we pick a point person at this point? We're going 23 to funnel our questions through the community co-chair; 24 and Mr. Brown, I'm sure, is happy to take the lead on 25 forming those questions and making sure that everybody</p> <p>Page 136</p>



1 has the same set.  
2 Won't you, Mr. Brown?  
3 MR. BROWN: Right.  
4 MS. PENDERGRASS: All right. Very fine.  
5 That's a wonderful solution to that. Let's get a date.  
6 MR. ATTENDEE: May.  
7 MS. PENDERGRASS: Mr. Tompkins, do you have a  
8 date?  
9 MR. TOMPKINS: No. I would suggest that the  
10 two chairs of these committees --  
11 MS. PENDERGRASS: I'm sure Mr. Brown will  
12 coordinate that.  
13 MR. TOMPKINS: Mr. Brown set up a date --  
14 MS. PENDERGRASS: He's wonderful at doing that.  
15 MR. TOMPKINS: -- what's convenient for  
16 Saturday.  
17 MR. TISDELL: Say.  
18 MS. PENDERGRASS: May 8th.  
19 MR. TOMPKINS: May 8th.  
20 MS. PENDERGRASS: Does anybody have a problem  
21 with May 8th? It's Mother's Day weekend. Is that going  
22 to be a problem for those mothers here? If you're a  
23 father, you shouldn't have any problem with that.  
24 MS. PIERCE: Don't put that on the record.  
25 MS. PENDERGRASS: Okay. Do we have another

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1 date if Mother's Day's a problem? Let's --  
2 MR. TISDELL: May 1st.  
3 MS. PENDERGRASS: May 1st. Anybody else have a  
4 problem with May 1st?  
5 MS. OLIVA: It's Open Studio.  
6 MR. TISDELL: Then May 16th.  
7 MS. PIERCE: Let's go with May 8th. Let's go  
8 with May 8th.  
9 MR. TOMPKINS: May 8th?  
10 MS. PENDERGRASS: Okay. May 8th. We have  
11 consensus on May 8th.  
12 We will have a meeting at May 8th at what time?  
13 What time?  
14 MR. MASON: Ten a.m.  
15 MR. BROWN: 11:00.  
16 MR. TOMPKINS: 11:00.  
17 MS. PENDERGRASS: Eleven o'clock. And where  
18 are we having that meeting?  
19 MR. LANPHAR: I have a conflict on that.  
20 MS. ASHER: How about here?  
21 MS. PENDERGRASS: Okay.  
22 MR. TOMPKINS: No.  
23 MS. PENDERGRASS: Mr. -- Mr. Lanphar has a  
24 conflict on that date. And since he's --  
25 MR. LANPHAR: It's my daughter's --

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1 MS. PENDERGRASS: -- one of the --  
2 MR. LANPHAR: -- four-year birthday.  
3 ATTENDEES: Oh.  
4 MS. PENDERGRASS: Okay. So we can't do it. We  
5 have a conflict on that day.  
6 MR. TISDELL: Break out and sing Happy Birthday  
7 to her.  
8 MS. PENDERGRASS: Do we have another date in  
9 mind? Do you have another date?  
10 MR. TOMPKINS: May 1st?  
11 MR. TISDELL: May 1st.  
12 MS. LUTTON: No May 1st.  
13 MR. TISDELL: Why?  
14 MS. LUTTON: Because it's Labor Day, and it's  
15 like 50 million things going on in the city.  
16 MR. TISDELL: That makes the next Saturday is  
17 May 16th.  
18 MR. MANUEL: 17th is the deadline.  
19 MS. PENDERGRASS: Okay.  
20 MR. TISDELL: The 17th is the deadline.  
21 MS. PENDERGRASS: Is the deadline.  
22 DR. SUMCHAI: Oh, I see.  
23 MR. MANUEL: You need a --  
24 MR. TOMPKINS: So we have to give up one of  
25 them.

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1 MS. OLIVA: What about Sunday?  
2 MS. PENDERGRASS: So if --  
3 MR. TOMPKINS: So we have to go the 1st.  
4 MS. ATTENDEE: Right.  
5 MR. CAMPBELL: Why don't we go to a Sunday  
6 possibly?  
7 DR. SUMCHAI: That's an idea.  
8 MS. PENDERGRASS: Sunday evening?  
9 DR. SUMCHAI: Or Sunday --  
10 MR. TOMPKINS: Afternoon?  
11 DR. SUMCHAI: -- afternoon.  
12 MS. PIERCE: May, the 2nd --  
13 MR. TOMPKINS: Afternoon?  
14 MS. PIERCE: -- in the afternoon.  
15 MS. PENDERGRASS: The 2nd? May 2nd?  
16 MR. TOMPKINS: May 2nd, sure.  
17 MS. PENDERGRASS: Okay, we got to get this  
18 resolved and rather quickly, please. May 2nd?  
19 MR. TOMPKINS: No.  
20 MS. OLIVA: May 2nd is --  
21 DR. SUMCHAI: Yes.  
22 MS. OLIVA: -- Open Studio.  
23 MS. PENDERGRASS: Okay, but somebody's not  
24 going to be able to attend --  
25 MR. BROWN: Right.

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<p>1 MS. PENDERGRASS: -- and I think -- 2 MR. TOMPKINS: May 9th? 3 MS. PENDERGRASS: -- if we're making an 4 appointment about -- 5 MR. CAMPBELL: May 9th. 6 MS. PENDERGRASS: -- essential people at this 7 point, the regulators have -- are essential at this 8 point -- 9 MR. TOMPKINS: And the subcommittee chair. 10 MS. PENDERGRASS: -- the Navy's essential at 11 this point, and the co- -- the chairs and the 12 subcommittee chair's essential at this point. 13 MS. ATTENDEE: May 9th. 14 MS. PENDERGRASS: Do we have a --? 15 MS. OLIVA: May 9th. 16 MR. TOMPKINS: May 9th. 17 MR. BROOKS: That's Mother's Day. 18 MR. TOMPKINS: May 9th. 19 MS. PIERCE: May 9th is Mother's Day. 20 MR. TOMPKINS: Mother's Day. 21 MS. PENDERGRASS: Okay. 22 MR. TOMPKINS: May 1st? 23 ATTENDEE: Is that --? 24 MR. HANIF: What happened with May 1st? I know 25 there's a concern.</p> <p>Page 141</p>	<p>1 MS. PENDERGRASS: Okay. Milton Meyers at gym, 2 10 o'clock. This is a big meeting. Mr. Brown will -- 3 he will make sure that he has the questions forwarded to 4 Mr. Keichline to get out to everyone within the next 5 three days. 6 Is that correct? Mr. Brown? 7 MR. BROWN: Yes. 8 MS. PENDERGRASS: Stay with me. 9 MR. BROWN: I'm saying if you going to do a 10 meeting, then it's going to Ron. How come you just 11 don't e-mail it straight to Ron? 12 MS. PENDERGRASS: Because you're the one who 13 has to make sure that all the questions are covered. 14 That's your job, and he'll do the e-mailing for you. 15 Okay? 16 All right. Now that we've got that shade tree 17 covered, no more questions or recommendations on that 18 issue. 19 I'm calling the question. I'm calling the 20 question. All in favor of the time and place for the 21 meeting that we just said, all in favor, say "Aye." 22 THE BOARD: Aye. 23 MS. PENDERGRASS: Anybody opposed to that date 24 and time, the question is, and meeting? 25 (No verbal response elicited.)</p> <p>Page 14'</p>
<p>1 MS. PIERCE: Let's go back to May 1st. 2 MS. PENDERGRASS: Okay. 3 MR. HANIF: May 1st. 4 MS. PENDERGRASS: So May 1st at this point. 5 What time on May 1st? 6 MR. TISDELL: 10:00. 7 MS. PENDERGRASS: Ten o'clock in the morning on 8 May 1st? Okay. So can all the people that are key -- 9 So, Mr. Lanphar, can you make that? 10 MR. LANPHAR: (Nods.) 11 MS. PENDERGRASS: Mr. -- Mr. Forman, can you 12 make that? 13 MR. FORMAN: We will make that. 14 MS. PENDERGRASS: Mr. Work, can you make that? 15 MR. ATTENDEE: No. 16 MS. PENDERGRASS: Okay. Mr. Brown, can you 17 make that? 18 MR. BROWN: Yes. Where at? 19 MS. PENDERGRASS: Not that we're not all 20 essential, but can we make that? 21 Okay. Now that we can make that it, where are 22 we making it at? 23 MS. PIERCE: I -- I can do Milton Meyers if 24 people want to come to the gym. 25 MR. TISDELL: There it is. There it is.</p> <p>Page 142</p>	<p>1 MS. PENDERGRASS: Any abstentions to that? 2 (Ms. Lutton raises her hand.) 3 MS. PENDERGRASS: We have an abstention of Miss 4 Lutton because she can't make it. 5 All right. Very fine. We're going to move on. 6 Thank you so much. 7 MS. FRANKLIN: I would like to make a addendum 8 to the motion. 9 MS. PENDERGRASS: The motion has been passed 10 and carried, so addendum is not -- 11 MS. FRANKLIN: Well, you didn't recognize me. 12 But the thing I would like to say is a suggestion is 13 that Dr. Sumchai submit her entire report to the EPA for 14 their comments. 15 DR. SUMCHAI: I submitted the -- you know, the 16 comments that were action items to Mr. Keich- -- 17 Keichline, and -- and they can be, you know, specific 18 action items -- 19 MS. PENDERGRASS: Okay. 20 MS. FRANKLIN: But what I'm saying is that in 21 terms -- to make it official in terms of RAB, I would 22 like to recommend that we do that, just put a little 23 heading on there, say come to RAB as of today and ask 24 for comments by whatever date you choose. 25 MS. PENDERGRASS: But there's no comments. She</p> <p>Page 144</p>

<p>1 has action items.</p> <p>2 MS. FRANKLIN: The EPA will make comments on</p> <p>3 her report. That's what I --</p> <p>4 MR. BROWN: Okay.</p> <p>5 MS. PENDERGRASS: All right. Miss --</p> <p>6 MS. OLIVA: Got a hand down here.</p> <p>7 MS. PENDERGRASS: I'm sorry. Mr. Campbell,</p> <p>8 please feel free.</p> <p>9 MR. CAMPBELL: I think it would be good if</p> <p>10 there's some clarification on who the signatures are --</p> <p>11 signatories are to the FFA, because I'm not sure all the</p> <p>12 RAB members here are clear on that. And I think that</p> <p>13 needs to be cleared up.</p> <p>14 MS. PENDERGRASS: Can that be added --</p> <p>15 MR. FORMAN: Yeah.</p> <p>16 MS. PENDERGRASS: -- to the questions to be</p> <p>17 covered?</p> <p>18 MR. MANUEL: Well, I think it's going to be</p> <p>19 whatever the questions are.</p> <p>20 MR. FORMAN: Yeah. That's -- it -- okay. The</p> <p>21 signatories to the Federal Facilities Agreement?</p> <p>22 MR. CAMPBELL: That's correct.</p> <p>23 MR. FORMAN: Okay. That would be the Regional</p> <p>24 Water Quality Control Board --</p> <p>25 MR. CAMPBELL: Right.</p>	<p>1 involvement of several members of the RAB; and those</p> <p>2 included Lynne Brown, Maurice Campbell, Karen Pierce, as</p> <p>3 well as a number of other members of the community who</p> <p>4 were involved with us from really months of discussions</p> <p>5 and negotiations with the Navy working on this</p> <p>6 agreement, including members of Arc Ecology, Saul Bloom,</p> <p>7 and Shirley -- Chris Shirley and some other people, such</p> <p>8 as Olin Webb. So we're really grateful for the</p> <p>9 contributions that all those people have made.</p> <p>10 I also want to say something at the outset</p> <p>11 because I think there's some confusion about what the</p> <p>12 conveyance agreement is about. It doesn't transfer</p> <p>13 Parcel A. It doesn't transfer any property. It sets up</p> <p>14 a process for the transfers of property to happen</p> <p>15 according to rules that we have spelled out in the</p> <p>16 conveyance agreement.</p> <p>17 So this agreement that I'm going to explain to</p> <p>18 you is really -- I'm explaining the process for how we</p> <p>19 have reached agreement with the Navy that sort of an</p> <p>20 orderly process for parcel transfer will occur.</p> <p>21 I would also like to say that some key</p> <p>22 components that are in this conveyance agreement really</p> <p>23 are resolved of the contributions of both members of the</p> <p>24 RAB and other community members such as a provision that</p> <p>25 we will have a collaborative partnership with the Navy.</p>
<p>Page 145</p> <p>1 MR. FORMAN: -- Department of Toxic Substances</p> <p>2 Control --</p> <p>3 MR. CAMPBELL: Right.</p> <p>4 MR. FORMAN: -- the United States Environmental</p> <p>5 Protection Agency, and the United States Navy.</p> <p>6 MR. CAMPBELL: Thank you.</p> <p>7 MS. PENDERGRASS: All right. So those are the</p> <p>8 folks that need to be at the table. Thank you for that</p> <p>9 clarity.</p> <p>10 Miss Warren, are you around?</p> <p>11 MS. WARREN: I'm here.</p> <p>12 MS. PENDERGRASS: Thank you.</p> <p>13 MS. WARREN: Where would you like me to be?</p> <p>14 MS. PENDERGRASS: You can be wherever you want.</p> <p>15 Bless your heart and thank you for sticking around. And</p> <p>16 if we could just ask you to be as concise --</p> <p>17 MS. WARREN: -- short as possible.</p> <p>18 MS. PENDERGRASS: Thank you so much.</p> <p>19 MS. WARREN: Thank you all for taking the time</p> <p>20 to let me do my presentation even though I know you're</p> <p>21 running over.</p> <p>22 And I just want to say that the City is really</p> <p>23 pleased that it has reached the point that it has with</p> <p>24 the conveyance agreement and to also say that I don't</p> <p>25 think we could have gotten to this point without the</p> <p>Page 146</p>	<p>1 It's to really try to work more closely together.</p> <p>2 Also that we had incorporated into the</p> <p>3 agreement the principles of Proposition P. I feel that</p> <p>4 the community was really instrumental in making sure</p> <p>5 that the Proposition P and its mandate to try to achieve</p> <p>6 the highest standards of cleanup possible are something</p> <p>7 that the community really contributed to embodying in</p> <p>8 this agreement.</p> <p>9 So with that, a little introduction. I just</p> <p>10 want to explain a little bit about the process that we</p> <p>11 have gone through, and I know many of you have been</p> <p>12 involved in working on the Shipyard issues for</p> <p>13 incredibly long time and have put an incredible number</p> <p>14 of hours into this, and this may all be familiar ground</p> <p>15 to you.</p> <p>16 But getting to this agreement really started in</p> <p>17 1991 when Congresswoman Pelosi sponsored special</p> <p>18 legislation that allowed the Navy to transfer the</p> <p>19 property to the City at no cost.</p> <p>20 So an important feature of this conveyance</p> <p>21 agreement is that it does provide for a no-cost transfer</p> <p>22 to the City. Essentially for a dollar a parcel, the</p> <p>23 property is transferred to the City.</p> <p>24 There were a series of agreements. They</p> <p>25 weren't binding agreements, but they were agreements in</p> <p>Page 148</p>

1 principle that were -- that were worked out with various  
2 mayors and the Navy. In 1994 Mayor Jordan worked out an  
3 agreement with the Navy, a Memorandum of Agreement.

4 Then in 1997 the Board of Supervisors after a  
5 seven-year process of community involvement adopted the  
6 redevelopment plan, and what everyone realized is, there  
7 was really a need to incorporate the redevelopment plan  
8 better into -- into whatever transfer agreement that we  
9 had with the Navy.

10 And that eventually resulted in another  
11 Memorandum of Agreement that we entered into in November  
12 of 2000, and I think that Memorandum of Agreement was  
13 really instrumental in setting the groundwork for the  
14 conveyance agreement.

15 One of the key principles of the conveyance  
16 agreement is that it establishes environmental  
17 conditions for the transfer of the property, and it's  
18 really a unique feature of this conveyance agreement. I  
19 don't believe there's any other conveyance agreement in  
20 the country that has this concept in it.

21 And basically what it does is, it doesn't  
22 replace the CERCLA process. It leaves the CERCLA  
23 process to be carried out according to its legal  
24 mandate. But it says there are certain conditions under  
25 which the Navy needs to meet in order for the City to  
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1 then had a long hiatus while we waited for the people in  
2 Washington to get comfortable with what we had done.  
3 Because this agreement was novel -- it was really  
4 different from any other conveyance agreement in the  
5 country -- it took a very long time to work through the  
6 Washington process.

7 And what I'm happy to report is, this March  
8 really, as a result of intense negotiations and  
9 involvement on the part of all of our representatives --  
10 Congresswoman Pelosi, Senator Feinstein, Senator Boxer,  
11 and the Mayor -- we have been able to complete the  
12 process. They have signed the agreement, and now the  
13 Redevelopment Agency plans to take it through its public  
14 review process.

15 So let me just tell you, I'm going to try to be  
16 as quick as I can about the key provisions in the  
17 agreement, telling you what it does and, more  
18 importantly, I think, what it doesn't do, since it's  
19 often misunderstood.

20 One of the things that the conveyance agreement  
21 does is, it provides for the Navy to offer property to  
22 the Redevelopment Agency as each parcel is cleaned up to  
23 a level acceptable to the City.

24 The Navy is -- will only offer a parcel to the  
25 Redevelopment Agency if regulators agree that the

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1 feel comfortable accepting the property.

2 And so after we had this MOA drafted, we then  
3 start -- Memorandum of Agreement -- we then started this  
4 process of negotiating with the Navy, and that is the  
5 process that the community was really instrumental in  
6 moving along, I believe, to try to get that imbedded  
7 into a detailed legal agreement.

8 And we've really been working on that process  
9 in a very intense fashion since January of 2002. And  
10 during much of 2002, we worked really hard on this  
11 agreement.

12 And by the end of -- pretty much the end of the  
13 year after literally going through this 40-plus page  
14 agreement with people like Maurice and Karen and Lynne,  
15 we literally walked through, I think, every sentence in  
16 that agreement.

17 And at the end of that process, we felt that we  
18 had reached -- we had gotten the best agreement that we  
19 could achieve with the Navy, and we were very -- very  
20 optimistic that the agreement would soon be endorsed by  
21 the Navy.

22 And we took it through -- to the Redevelopment  
23 Agency Citizen's Advisory Committee, and they endorsed  
24 it in March of 2003.

25 And then it went back to Washington. And we  
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1 cleanup is consistent with the redevelopment plan. And  
2 by "regulators," we mean both federal EPA and the two  
3 agencies that are represented in the Federal Facilities  
4 Agreement process: That would be DTSC and the Regional  
5 Water Quality Control Board.

6 The agreement also creates a partnership for  
7 achieving property transfer, and there's a number of  
8 ways in which it provides, we believe, better community  
9 input than we might have had in the past.

10 One of the things that the agreement does is  
11 that it expressly recognizes the importance of the RAB,  
12 and the Navy pledges in the agreement to continue to  
13 support the RAB and continue its functions and  
14 operations.

15 The agreement also provides that the City can  
16 go onto the property and do its own due diligence so  
17 that we can go on and check conditions on the property  
18 before the property is transferred to us.

19 And the agreement provides for a closer working  
20 relationship between the City and the Navy to try to  
21 come up with real solutions to move the cleanup process  
22 forward.

23 The property conditions, which are key part of  
24 this agreement, are different for different parcels.

25 So on Parcel A, the standard that the Navy

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1 needs to achieve is clean up to an unrestricted  
2 residential level as is envisioned in the Parcel A ROD.  
3 Obviously, before the City accepts Parcel A, it intends  
4 to complete its own due diligence of looking at all of  
5 the data just as the regulators are.

6 For Parcel B, we felt that the Parcel B ROD  
7 sent out a standard that we did not want to relax, and  
8 that standard is basically a c- -- a cleanup level to an  
9 excess cancer risk of 10 to the minus 6 even though the  
10 regulators could approve a cleanup at a lesser level of  
11 cleanup.

12 So in the agreement with the Navy, the N- --  
13 the Navy's committed to cleaning up Parcel B to a  
14 10-to-the-minus-6 standard and to a depth of 10 feet for  
15 soil, which is also a component of the current Parcel B  
16 ROD.

17 We do recognize that the Navy has run into  
18 difficulties in trying to carry out the Parcel B ROD as  
19 a result of new information. And we have in the  
20 agreement agreed that we will work with the Navy to try  
21 to see how we can solve that problem. That may involve  
22 the ROD amendment.

23 We feel that ROD amendment that's open to the  
24 public and give us plenty of public input is a better  
25 solution than trying to work around the edges of what

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1 was envisioned to be in the Parcel B ROD in the first  
2 place. But whatever eventual cleanup is agreed to for  
3 Parcel B, it will need to meet the same standard of the  
4 same risk level that's currently in the Parcel B ROD.

5 For Parcel C and D, we have incorporated the  
6 same concept into those parcels as we had in Parcel B in  
7 the sense that the risk level must be to a  
8 10-to-the-minus-6 standard and taking into account the  
9 redevelopment plan uses, which is a concept that we have  
10 also embodied in Parcel B.

11 So what we're really stressing is that the  
12 cleanup needs to be -- allow us to safely use the  
13 property for the uses that were envisioned in the  
14 redevelopment plan.

15 There are some provisions in the agreement to  
16 discourage the Navy from taking its time.

17 One of our concerns is that the Navy doesn't  
18 have any deadlines for getting this cleanup finished.  
19 And as we have all witnessed, it's a slow process. So  
20 one of our concerns was that if we had these cleanup  
21 standards, it would just cause the Navy to slow down,  
22 fence off the property and call it a day.

23 MR. BROWN: Right.

24 MS. WARREN: Now --

25 MR. BROWN: Right.

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1 MS. WARREN: -- the Navy, in fact, I believe,  
2 is more interested in moving this process along with the  
3 agreement because it sees some finality to the process.  
4 It sees a process that's clearly laid out and knows what  
5 it needs to achieve, and that gives the Navy and it  
6 helps the Navy get money for this site from, you know,  
7 all the other sites that it has to compete with around  
8 the country.

9 But there are a couple of provisions that we  
10 have included to give them an incentive.

11 One of those provisions is, they have to  
12 continue to maintain adequate security and fire  
13 protection service, and they can -- we have agreed in  
14 this -- in the final agreement, we have agreed that they  
15 can pay us to provide that service.

16 But we have set some standards for what that  
17 service needs to meet, and we think that this is one of  
18 the ways to encourage the Navy to keep moving, because  
19 as long as it doesn't get the property cleaned up, it's  
20 going to bear the cost of providing those services.

21 We have also set our standards for a fencing  
22 plan to try to protect areas in the Shipyard that aren't  
23 cleaned up yet from those areas that are.

24 Some things that the conveyance agreement  
25 doesn't do: As I said at the beginning, it doesn't

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1 transfer any property. It doesn't require the City to  
2 accept property that is not cleaned up.

3 This is not an early transfer. Many of you  
4 have heard that term. This does not provide the  
5 transfer of property before it's cleaned up.

6 The agreement does not relieve the Navy of any  
7 of its responsibilities under CERCLA. It still has to  
8 carry out all of its CERCLA responsibilities.

9 The agreement does not transfer responsibility  
10 for cleanup to the City. It in fact recognizes those  
11 protections that are in law that make the Navy  
12 responsible even after it transfers the property to us.  
13 So there -- the CERCLA law and a provision in  
14 the -- in the base closure law provides that the Navy  
15 remains responsible. If we find something on property  
16 that they have transferred to us and that was as a  
17 result of their activities, they are still responsible  
18 if that needs to be cleaned up.

19 We intend to help protect ourselves in the  
20 event such a cleanup should be needed after transfer by  
21 purchasing environmental -- environmental insurance.  
22 And what the insurance will do is really help us to have  
23 something in place so we don't have to wait around for  
24 the Navy to figure out what to do in the event we find a  
25 problem. We will be able to get money from the

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1 insurance companies to take care of the problem and then  
2 seek a claim against the Navy.  
3 So insurance is a -- is a extra protection for  
4 us in addition to the legal requirements the Navy has to  
5 continue to be responsible.  
6 As far as how the conveyance process works,  
7 I'll just explain very quickly, once the Navy believes  
8 that it has met the conditions in the conveyance  
9 agreement, it offers us the property.  
10 We then have a certain period of time, 60 days  
11 for Parcel A, 30 days for the other parcels, to  
12 determine whether we believe the Navy has met the  
13 requirements if they are spelled out in conveyance  
14 agreement.  
15 If the agency agrees that the Navy has  
16 satisfied the requirements, which include getting  
17 regulator assurance that the property has been cleaned  
18 up to the redevelopment plan uses, then the agency will  
19 let the Navy know; and from the time that we got the  
20 Navy notice, we have 120 days to actually complete the  
21 transfer of the property.  
22 It's only after that whole process that the  
23 Navy has the option to do something else with the  
24 property besides transferring it to us.  
25 That is the essence of the agreement. I was

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1 trying to do it fairly quickly because I know that we're  
2 really running behind. But you want to --  
3 MS. PENDERGRASS: Okay. So let's start with  
4 Mr. Manuel.  
5 MR. MANUEL: No. Tompkins was first and then  
6 Lynne Brown and then me.  
7 MS. PENDERGRASS: We're going to do it this  
8 way. We're going to have Mr. Manuel; we're going to  
9 have Ms. Lutton, and then we're going to have Miss  
10 Asher; we're going to have Mr. Tompkins, and then we're  
11 going to end with you.  
12 Yes, sir.  
13 MR. MANUEL: Yes, ma'am. All right. I stand  
14 corrected.  
15 MS. PENDERGRASS: And one comment, please.  
16 MR. MANUEL: All right.  
17 I heard a lot of politics in your presentation.  
18 And my question to the Navy is, have you agreed  
19 to adhere to Prop P standards --  
20 MR. BROWN: Right.  
21 MR. MANUEL: -- as was suggested to the letter?  
22 People need to know --  
23 MR. BROWN: Right.  
24 MR. MANUEL: -- that.  
25 And the other question is -- I'll just

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1 disregard, but --  
2 MS. PENDERGRASS: Thank you.  
3 MR. MANUEL: -- that I don't -- I don't believe  
4 that it is happening, and I think that's what you said.  
5 MS. PENDERGRASS: All right.  
6 Please and quickly, briefly if you can respond.  
7 MR. FORMAN: Navy has not agreed to that. You  
8 are absolutely right. We have not agreed to that.  
9 MR. MANUEL: That's what I thought.  
10 MR. FORMAN: However, that's not exactly what  
11 Ms. Warren said.  
12 MR. MANUEL: Well --  
13 MR. FORMAN: She said that the conveyance  
14 agreement -- the principles of Proposition P have been  
15 incorporated into the conveyance agreement. That's what  
16 she said.  
17 MR. MANUEL: Sounds like semantics to me,  
18 but --  
19 MR. BROWN: Right.  
20 MS. WARREN: When the Board of Supervisors  
21 endorsed Proposition P, they said that Proposition P  
22 called for the highest standard for cleanup that was  
23 practical to achieve. And the way that the agreement  
24 incorporates that concept is by establishing cleanup  
25 standards that will allow the redevelopment plan to be

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1 implemented.  
2 And two, I think the principle is as clean as  
3 the standard's set out in the agreement, which are to a  
4 10-to-the-minus-6 risk level for Parcels B through D.  
5 We haven't set specific standards for Parcel E  
6 and F at this point because we didn't feel we had enough  
7 information about those parcels.  
8 MS. PENDERGRASS: Okay.  
9 MS. WARREN: That is something that will be  
10 worked out as we work through the process with the Navy.  
11 MS. PENDERGRASS: All right.  
12 MR. MANUEL: We're already going to do that  
13 anyway.  
14 MS. PENDERGRASS: Miss Lutton, and then we  
15 have -- we have exactly four minutes to end this  
16 discussion, or we'll have to take another break.  
17 Miss Lutton?  
18 MS. LUTTON: Yes. Real quick. I had two  
19 questions.  
20 Number one, we found out from the news that the  
21 Navy summoned our mayor to Washington, D.C. Shortly  
22 after that politicians went to Washington, D.C., and the  
23 Navy signed the agreement. Nobody knows what happened  
24 As far as we are concerned, it's a secret thing that  
25 happened.

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<p>1 MR. MANUEL: Exactly.</p> <p>2 MS. LUTTON: We want to know what that was</p> <p>3 about. What was --? Where --? What was the Navy</p> <p>4 saying that made Newsom run up there?</p> <p>5 And No. 2 is, everything is set to the</p> <p>6 redevelopment plans, but that's not the highest</p> <p>7 standards. Lot of the parcels we're looking at are</p> <p>8 going to be cleaned up to industrial uses, and that</p> <p>9 doesn't seem like the highest standard to us.</p> <p>10 MS. WARREN: As far as what happened in</p> <p>11 Washington, D.C., in a nutshell, the Navy did express</p> <p>12 reservations.</p> <p>13 The new management at the top of the Navy</p> <p>14 who -- different people from whom we had worked out the</p> <p>15 conveyance agreement with when we were working through</p> <p>16 the process with the community, they said: "Wait a</p> <p>17 minute. This conveyance agreement is too different.</p> <p>18 It -- We do not feel comfortable with this at all."</p> <p>19 And I -- really what happened is, as a result</p> <p>20 of involvement of our congressional representatives and</p> <p>21 the Mayor, we ended up with the same agreement that we</p> <p>22 had negotiated with the community. And Jesse Blout and</p> <p>23 Michael Cohen, neither of whom could be here, along with</p> <p>24 Mayor Newsom really deserve credit for that. It was a</p> <p>25 very difficult negotiation.</p> <p>Page 161</p>	<p>1 Mr. Capobres, you can't be drinking on the job</p> <p>2 here.</p> <p>3 MR. CAPOBRES: Excuse me. It's after 9:00.</p> <p>4 MS. PENDERGRASS: Just teasing.</p> <p>5 Miss Warren, where are you? We're not through</p> <p>6 with you yet.</p> <p>7 MS. JACKSON: Good.</p> <p>8 MS. PENDERGRASS: All right. Next question.</p> <p>9 We have two more questions, and then -- and then we have</p> <p>10 a question from the audience or two. I think --</p> <p>11 Miss Jackson, did you have a question?</p> <p>12 MS. JACKSON: No, I did not.</p> <p>13 MS. PENDERGRASS: All right, then.</p> <p>14 MR. ATTENDEE: Can I --?</p> <p>15 MS. PENDERGRASS: I don't know.</p> <p>16 MR. CAPOBRES: I just need to announce the</p> <p>17 commission meeting.</p> <p>18 MS. PENDERGRASS: Sure.</p> <p>19 MR. CAPOBRES: Thank you.</p> <p>20 MS. PENDERGRASS: All right, then. Are you</p> <p>21 next or was it Mr. Campbell? He left. So, okay, go</p> <p>22 right ahead.</p> <p>23 MS. OLIVA: But I need -- I need --</p> <p>24 MS. RINES: They are all coming back.</p> <p>25 MR. DA COSTA: Talk in the mike, please. You</p> <p>Page 163</p>
<p>1 But the agreement is the same as we had</p> <p>2 negotiated with the Navy months ago. So I feel that</p> <p>3 that trip to Washington was a real success.</p> <p>4 As far as the highest standards practical in</p> <p>5 Prop P, I think that they are -- the agreement does</p> <p>6 provide for cleanup consistent with the reuse plan. And</p> <p>7 we believe that is appropriate because it will assure</p> <p>8 that the property is safe for the uses that we envision.</p> <p>9 We do provide in the agreement that we can take</p> <p>10 a careful look at those. We may refine the uses that</p> <p>11 are in the redevelopment plan as we go through a process</p> <p>12 of understanding better how we might develop the</p> <p>13 property and work with the Navy to try to continue to</p> <p>14 have a match between the cleanup and the uses on the</p> <p>15 parcels. But --</p> <p>16 MS. PENDERGRASS: Thank you, Miss Warren. I</p> <p>17 have to cut you off at this point. I've got to give</p> <p>18 fingers a rest.</p> <p>19 Now, we have two more questions that we'll have</p> <p>20 to do after a ten-minute break. I'm sorry. We have</p> <p>21 human beings here. Ten minutes, please.</p> <p>22 (Recess 8:58 p.m. to 9:04 p.m.)</p> <p>23 MS. PENDERGRASS: I think this was a short ten</p> <p>24 minutes you'll ever hear. Let's move this right along.</p> <p>25 Come on back to the table.</p> <p>Page 162</p>	<p>1 need to --</p> <p>2 MS. PENDERGRASS: Go ahead.</p> <p>3 MR. DA COSTA: Come on.</p> <p>4 MS. OLIVA: The other guy --</p> <p>5 MS. PENDERGRASS: Just keep going. He'll catch</p> <p>6 up. He's a fast learner. Go ahead.</p> <p>7 MS. OLIVA: Thank you, Miss Warren, for your</p> <p>8 presentation. However, I have one question.</p> <p>9 Mr. Forman earlier today, when we -- when the</p> <p>10 disclosure of Building 322 was made known to us, had</p> <p>11 said to us -- and you may have it on -- I need -- I need</p> <p>12 to have -- either have him correct me, but I don't think</p> <p>13 you would have it on your copy -- that if the Navy could</p> <p>14 not dispose or clean up that particular shed, that it</p> <p>15 would be the responsibility of the developer.</p> <p>16 And Miss Warren, you said that the Navy has to</p> <p>17 clean up everything.</p> <p>18 So I'd like Mr. Forman to reiterate what he</p> <p>19 said to us later in this meeting.</p> <p>20 MR. BROOKS: Yeah, I can handle that response.</p> <p>21 Keith was refer- -- referring to the lead-based</p> <p>22 paint and the asbestos that may be in the building.</p> <p>23 That would be the responsibility of the City in</p> <p>24 demolishing the building if it were not -- if we don't</p> <p>25 find any radiological contamination.</p> <p>Page 164</p>



<p>1 MS. OLIVA: So you're --?</p> <p>2 MR. BROOKS: We will have it surveyed, a</p> <p>3 radiological survey. If there is radiological</p> <p>4 contamination, then, of course, it's the responsibility</p> <p>5 of the Navy.</p> <p>6 But all the buildings on Parcel A that have</p> <p>7 lead-based paint and asbestos and when those buildings</p> <p>8 are being demolished, that's the responsibility of the</p> <p>9 City.</p> <p>10 MS. OLIVA: So I -- So what you're saying is,</p> <p>11 you have a building, and you will remove parts of it if</p> <p>12 there is any radioactivity; however, you will leave the</p> <p>13 paint and --</p> <p>14 MR. BROOKS: No.</p> <p>15 MS. OLIVA: -- any lead base --</p> <p>16 MR. BROOKS: No.</p> <p>17 MS. OLIVA: -- or will you con- -- will you</p> <p>18 continue to clean the whole thing up?</p> <p>19 MR. BROOKS: That's not what I said at all. I</p> <p>20 said if the building is not contaminated with</p> <p>21 radioactive materials and it simply has lead-based paint</p> <p>22 and asbestos, then it's like any of the other buildings</p> <p>23 on Parcel A, and it's the responsibility of the City.</p> <p>24 MS. OLIVA: And are you in agreement with that?</p> <p>25 MS. WARREN: Yes. I . . . Sorry.</p> <p>Page 165</p>	<p>1 there on Morgan that I'm concerned about contamination</p> <p>2 may have blown over, whichever, when you look at that</p> <p>3 and whose responsibility would be, for instance, in</p> <p>4 terms of cleanup for that.</p> <p>5 MS. WARREN: I'd be -- I'd be happy to answer</p> <p>6 that question.</p> <p>7 It's the City's view that the process that</p> <p>8 requires -- in the agreement that requires regulators to</p> <p>9 a- -- to provide assurance that the parcel is safe for</p> <p>10 the intended uses in the redevelopment plan require</p> <p>11 looking at whether there are any possibilities of</p> <p>12 contamination from adjacent uses.</p> <p>13 So if you had a plume that was migrating onto</p> <p>14 the parcel or, as we had discovered in the case of</p> <p>15 Parcel A, methane on Parcel E that raised concerns about</p> <p>16 whether there was a migration issue, those issues, we</p> <p>17 believe, are appropriate to be addressed at the time</p> <p>18 before the regulators give their assurance that that</p> <p>19 parcel is safe for --</p> <p>20 MS. PENDERGRASS: Mr. Tompkins --</p> <p>21 MR. TOMPKINS: Wait.</p> <p>22 MS. PENDERGRASS: -- one question. Now we're</p> <p>23 going to --</p> <p>24 MR. TOMPKINS: No. I need clarity because I</p> <p>25 don't understand what she meant.</p> <p>Page 1</p>
<p>1 Yes, we are in agreement with that.</p> <p>2 The lead paint and asbestos that's in buildings</p> <p>3 are not the responsibility of the Navy under the CERCLA</p> <p>4 process. Those are -- Those have always been</p> <p>5 understood that those materials, if we choose to</p> <p>6 demolish or remove a building, would be something that</p> <p>7 we would need to comply with the applicable laws that</p> <p>8 apply to any property owner.</p> <p>9 MS. PENDERGRASS: Thank you.</p> <p>10 Mr. Tompkins has a question, and then we have a</p> <p>11 question from the audience, and that was all the</p> <p>12 questions.</p> <p>13 MS. ATTENDEE: I have a question.</p> <p>14 MR. BROWN: No. I --</p> <p>15 MS. PENDERGRASS: All rightie, then. We have</p> <p>16 two more questions.</p> <p>17 MR. TOMPKINS: A final report. This is to the</p> <p>18 City.</p> <p>19 In terms of -- Since you have the final say in</p> <p>20 terms of before you accept the property, what about the</p> <p>21 adjacent or possible contamination? Because it's been</p> <p>22 one of our contentions that the Navy all of a sudden</p> <p>23 here is the time in that no contamination possibly could</p> <p>24 ever drift over to the other side.</p> <p>25 As we have property -- My family's right up</p> <p>Page 166</p>	<p>1 MS. PENDERGRASS: She was very clear.</p> <p>2 MR. TOMPKINS: Not to me.</p> <p>3 MS. PENDERGRASS: Sir, I'm just going to ask</p> <p>4 this question. I'm getting really exasperated because</p> <p>5 you guys always want to get out of here on time, but you</p> <p>6 keep asking more and more questions that aren't germane</p> <p>7 to what she asked. You asked her a question. She</p> <p>8 answered the question.</p> <p>9 MR. TOMPKINS: No. Report that she did because</p> <p>10 I asked specifically in terms of property that's</p> <p>11 adjacent to the line. As I understood it, she was</p> <p>12 talking about the property for Parcel A.</p> <p>13 But I was concerned about the adjacent property</p> <p>14 to Parcel A. How do you look at that? I didn't get that</p> <p>15 clarity in your response.</p> <p>16 MR. BROWN: Ray --</p> <p>17 MR. TOMPKINS: No --</p> <p>18 MR. BROWN: Ray, the way to clear that up is in</p> <p>19 this motion I'm going to make.</p> <p>20 MR. TOMPKINS: Go.</p> <p>21 MR. BROWN: Okay.</p> <p>22 I like to make the motion that the RAB members</p> <p>23 upon this resolution that was passed out as written, a</p> <p>24 this is our response to the conveyance agreement at this</p> <p>25 time. We would like a environmental review of the whole</p> <p>Page 168</p>



1 base, a final site characterization, a EIR. That's what  
2 we want.  
3 MS. JACKSON: Very good.  
4 MR. BROWN: Any --?  
5 MR. TOMPKINS: I second it. I second it.  
6 MS. PENDERGRASS: Did you put that in the form  
7 of a motion or --?  
8 MR. BROWN: Yes.  
9 MS. PENDERGRASS: Okay.  
10 MR. BROWN: Yes.  
11 MS. PENDERGRASS: And there's a second on that.  
12 Is there more discussion on that, or shall we just call  
13 a vote?  
14 MR. TOMPKINS: I call for time. I call the  
15 question.  
16 MS. JACKSON: I like the question --  
17 MR. MALOOF: You might not have a quorum.  
18 MS. PENDERGRASS: You have to wait just a  
19 moment. Actually, you do have a quorum. You still have  
20 quorum. You do.  
21 MR. TOMPKINS: Okay. Let's call the question.  
22 MS. PENDERGRASS: The quest- -- okay.  
23 So the RAB members, at this point, the question  
24 on the table is -- or the motion on the table --  
25 Say it one more time, Mr. Brown.

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1 MR. BROWN: Yeah. The motion on the table is  
2 that the RAB members approve this resolution that's  
3 written; this is our response to the conveyance  
4 agreement upon -- I mean, at this time, we would like a  
5 EIR, a final site characterization, of the whole  
6 Shipyard. Not only that, we want outside, like  
7 emissions, ambionic [phonetic] air, like --  
8 MS. PENDERGRASS: And so this is a motion  
9 that's directing the City?  
10 MR. BROWN: Redevelopment.  
11 MS. PENDERGRASS: Okay. So this -- the  
12 resolution is going to Redevelopment? That's what  
13 you're suggesting?  
14 MR. BROWN: Yeah.  
15 MS. PENDERGRASS: Okay. So that's been  
16 seconded. At this point, I'm going to call the  
17 question. All in favor?  
18 THE BOARD: Aye.  
19 MS. PENDERGRASS: Any opposed?  
20 (No verbal response elicited.)  
21 MS. PENDERGRASS: Any abstentions to that?  
22 MS. PIERCE: I abstain.  
23 MS. PENDERGRASS: Okay.  
24 MS. PIERCE: I abstain.  
25 MR. TOMPKINS: One abstention.

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1 MS. PIERCE: I don't remember what --  
2 MS. PENDERGRASS: We have one abstention there.  
3 All right. Very fine. That motion will carry  
4 and move us forward.  
5 In the essence of -- of keeping Miss Warren  
6 finished and before we finish, we had a question over  
7 here.  
8 Yes, sir.  
9 MR. DA COSTA: My name is Francisco Da Costa.  
10 And in listening to Miss Warren, you didn't mention one  
11 word about the first people that exercised their right  
12 of first refusal on the Shipyard.  
13 It is imperative that -- that the City conducts  
14 an archaeological survey. Not one square inch as been  
15 archaeologically surveyed.  
16 And in reference to Proposition P, which was  
17 passed citywide by a very large percentage, nowhere in  
18 your discussion have you stated what Mr. Lynne Brown  
19 implied a little while ago, the cumulative adverse  
20 impact on Hunters Point, which is detriment to any  
21 living human being, forget about -- forget about the  
22 City not having any money to be an enforcement agency,  
23 because the City right now cannot enforce standards  
24 outside Hunters Point. And Hunters Point has the worst  
25 toxic hot spots.

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1 And may I remind the City --  
2 MS. PENDERGRASS: Mr. Da Costa --  
3 MR. DA COSTA: -- that it has a liability --  
4 MS. PENDERGRASS: -- point?  
5 MR. DA COSTA: -- because Hunters Point is a  
6 Superfund site.  
7 Thank you very much.  
8 MS. PENDERGRASS: Thank you.  
9 MS. JACKSON: Excuse me.  
10 MS. PENDERGRASS: Okay. Just one moment. Just  
11 one moment.  
12 I -- There was another question over here.  
13 Did you have a question, Mr. Brown?  
14 MR. BROWN: No.  
15 MS. PENDERGRASS: Was it you that had a  
16 question?  
17 MR. BROWN: No.  
18 MS. PENDERGRASS: Is there another question  
19 here that is not from a person who has not asked a  
20 question from the RAB?  
21 And then we will go to you, Miss Jackson.  
22 MR. CAMPBELL: I wanted to remind Elaine  
23 that -- about Parcel C and D. Would you clarify that,  
24 please?  
25 MS. WARREN: Yes.

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1 I -- Maurice reminded me of that, tried to  
2 race through my presentation.  
3 I didn't mention that one of the important  
4 provisions of the agreement related to Parcel C and D is  
5 that the Navy's required to use its best good-faith  
6 efforts to reach the cleanup standards.  
7 The Navy was very concerned that these cleanup  
8 standards that we had were going to be too difficult for  
9 it to reach. And we were concerned and so -- that they  
10 wouldn't try hard enough.  
11 And so we reached agreement that they would use  
12 best good-faith efforts to meet those standards and that  
13 that is defined as spending up to, if necessary,  
14 \$120 million on Parcel C and D from the time that we  
15 enter into the agreement.  
16 So the clock is running. But it's up to  
17 120 million to get Parcel C and D cleaned up.  
18 DR. SUMCHAI: So you're saying you're going to  
19 put a cap on spending and allow --  
20 MS. WARREN: No. We're saying --  
21 DR. SUMCHAI: -- Prop P and health-base risk  
22 standards. That's what you said.  
23 MS. WARREN: We're saying that they have not  
24 satisfied that -- they have not satisfied us.  
25 MS. JACKSON: Who's "they"?

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1 MS. WARREN: They, the Navy, has not satisfied  
2 us that they have used their best efforts to achieve  
3 those standards. They can't come back to us and say "We  
4 just can't do it" until they have spent at least  
5 \$120 million.  
6 DR. SUMCHAI: And then you will accept the  
7 property dirty and then --  
8 MS. WARREN: No. We know -- If they can't  
9 achieve the standards, we have no obligation to accept  
10 the property.  
11 DR. SUMCHAI: So what is the outcome of the  
12 deal? I mean, I don't understand what the outcome is.  
13 MS. WARREN: If they can't achieve the  
14 standards and we don't accept the property, there  
15 just -- you know, we will have to go back and  
16 renegotiate presumably at that point.  
17 But we actually feel that \$120 million is a  
18 substantial amount of money, given that it was our view  
19 that that was in excess based on analyses that we had  
20 done. We felt that that was a gen- -- that gave us a  
21 generous cushion in getting those two parcels cleaned  
22 up.  
23 MS. PENDERGRASS: Okay. Miss Jackson?  
24 MS. JACKSON: Yeah. With the motion that was  
25 passed, I had some -- I talk loud anyway and everybody

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1 I can hear me.  
2 You know, there was other portions of the  
3 Shipyard, and only thing I'm hearing you all talk ab  
4 is "A," "B," and "C."  
5 I like to know, what are you going to do about  
6 Mariner Village or the toxicity that's over there and  
7 the people that are sick and dying and right here on top  
8 of this hill where the Navy used to live, the housing  
9 here?  
10 I'd like to know whether there would be a EIR  
11 done there. I think you should -- it will be  
12 unspeakable not to see an EIR done in those areas.  
13 Thank you.  
14 MS. PENDERGRASS: All right. Karen, you'll be  
15 the last comment, and then we're ready to adjourn.  
16 MS. PIERCE: I just want to correct the record.  
17 Mr. Brown has -- Mr. Brown showed me the document he  
18 was referring to, and I want to change my abstention to  
19 voting in favor of his motion.  
20 MS. PENDERGRASS: Absolutely. All right.  
21 And Mr. Capobres, you had one more comment so  
22 we can close this meeting, please?  
23 MR. CAPOBRES: Thank you. I want to thank  
24 Elaine for the presentation.  
25 On behalf of the Redevelopment Agency and the

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1 City, I think -- there's an important meeting coming up  
2 regarding the conveyance agreement. The Navy has signed  
3 it. But we do have to go to our commission for  
4 authorization of the conveyance agreement.  
5 And I know there was an article in the paper I  
6 think today that identified Tuesday, April 27th, as the  
7 meeting, but I wanted to correct that.  
8 It is in fact on Thursday, April 29th, one week  
9 from tonight, that the commission will be taking action  
10 on the conveyance agreement based on recommendations by  
11 the CAC. Mr. Campbell sits on the CAC also.  
12 This meeting will be a single-agenda-item  
13 meeting, which is the only item that the commission will  
14 be addressing on Thursday, the 29th; and it is out here  
15 in the Bayview at the Ruth Williams Memorial Theatre, or  
16 the Bayview Opera House -- I think it's also called the  
17 Bayview Opera House -- at 6 o'clock, and that's next  
18 Thursday. So it's a very important meeting.  
19 MS. PENDERGRASS: Thank you.  
20 And I want to remind you all about the co-chair  
21 nominations for next meeting.  
22 And thank you, Miss Warren --  
23 MS. MOORE: A question.  
24 MS. PENDERGRASS: -- and thank you,  
25 Dr. Sumchai, for your presentations tonight.

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1 MS. MOORE: You got a question here.  
2 MS. PENDERGRASS: Do we have a motion to  
3 adjourn?  
4 MS. PIERCE: So moved.  
5 MS. JACKSON: I have a question for you here.  
6 You know, I have a concern here. And I spoke before the  
7 Board of Supervisors. When this body was set up in '91,  
8 it was to deal with the fact that they would make a  
9 decision when this property would be transferred. I am  
10 appalled of that, that you are saying CAC is making the  
11 decision that this body is supposed to make.  
12 MS. FRANKLIN: That's right.  
13 MS. PENDERGRASS: Thank you for your comment.  
14 We are adjourned.  
15 (Off record at 9:19 p.m., 4/22/04.)  
16 ---oOo---

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CERTIFICATE OF REPORTER

I, CHRISTINE M. NICCOLI, Certified Shorthand  
Reporter of the State of California, do hereby certify  
that the foregoing meeting was reported by me  
stenographically to the best of my ability at the time  
and place aforementioned.

IN WITNESS WHEREOF I have hereunto set my hand  
this 24<sup>th</sup> day of May, 2004

  
CHRISTINE M. NICCOLI, C.S.R. NO. 4569

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# PARCEL A ROD AND RELATED DOCUMENTS

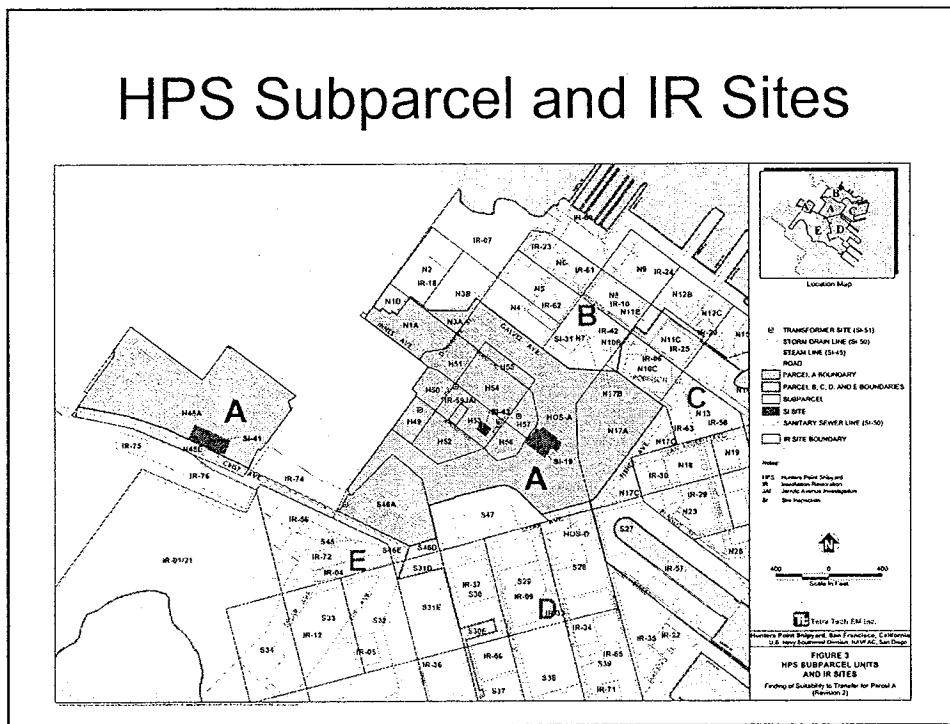
Medical and Legal Implications of the  
Proposed Transfer

Presented by: Dr. Ahimsa Sumchai

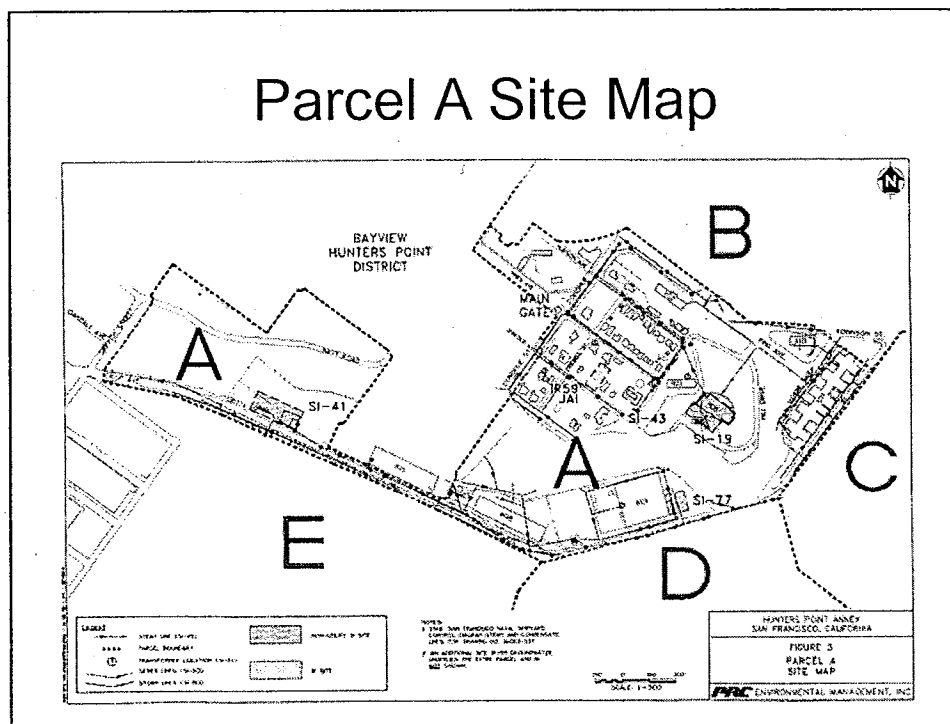
## Description of Selected Action for Parcel A

- The Navy has proposed **NO ACTION** for the selected remedy of Parcel A
- “In selecting no action for the RI sites, the Navy has determined that the overall condition of Parcel A is protective of human health and the environment” (Parcel A ROD 1996)

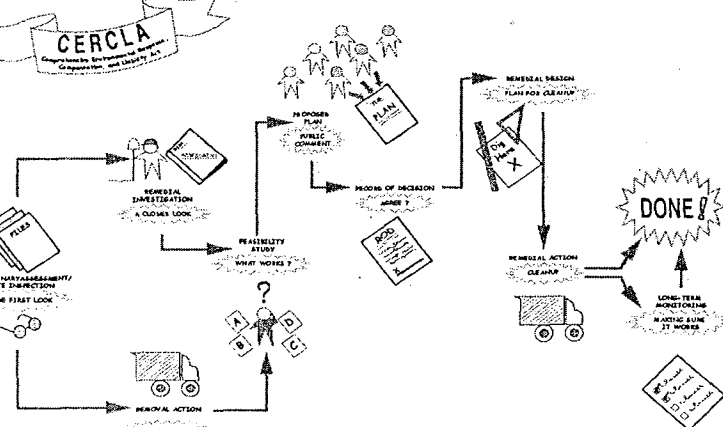
# HPS Subparcel and IR Sites



## Parcel A Site Map



This is a diagram showing the steps of the CERCLA process, also referred to as Superfund. Each step throughout the process allows for public input.



- ❖ Antimony
- ❖ Arsenic
- ❖ Barium
- ❖ Beryllium
- ❖ Cadmium
- ❖ Chromium
- ❖ Cobalt
- ❖ Copper
- ❖ Lead
- ❖ Mercury
- ❖ Molybdenum
- ❖ Nickel
- ❖ Selenium
- ❖ Silver
- ❖ Thallium
- ❖ Vanadium
- ❖ Zinc

## Hunters Point Ambient Metal Levels (HPALs) Parcel A HHRA Findings

“Although HPALs have been developed, the actual values have not been agreed upon by EPA, Cal/EPA, and Regional Water Quality Control Board. From discussions held on August 24, 1995, specific HPALs of concern were for Antimony, Cadmium, Mercury, and Selenium.” (PRC 1995b)

## Residential Scenario for IR-59 JAI

- Child and adult residents may be exposed to chemicals detected at IR-59 JAI through direct soil exposure and ingestion of home grown produce
- The total HI for child residents at IR-59 JAI is 12
- This hazard is primarily due to exposure to nickel, chromium, and manganese
- Nickel and chromium were retained as COPCs because their maximum detected value exceeded their HPALs
- The total carcinogenic risk from potential exposures through direct soil exposure and ingestion of home grown produce is  $2 \times 10^{-3}$

# Groundwater Analytic Results IR-59

TABLE 2 SUMMARY OF GROUNDWATER ANALYTICAL RESULTS\*, IR-59 GROUNDWATER INVESTIGATION PARCEL A, HUNTERS POINT ANNEX

Detected Analyte	PRG*	Maximum Detected Concentration
<b>SVOCs</b>		
2-Methylnaphthalene	NE*	42
Naphthalene	240	12
n-Nitroendiphenylamine	14	12
<b>TPHs</b>		
TPH as motor oil	NE	600
<b>Metals</b>		
Aluminum	37,000	216*
Antimony	15	2.1*
Arsenic	0.038	3.1*, 3.8*
Barium	2,600	440*, 449*
Calcium	NE	44,700*, 45,300*
Magnesium	NE	38,600*, 39,300*
Manganese	180	28.4*, 19.9*
Molybdenum	180	12.4*, 14.5*
Nickel	730	2.3**
Potassium	NE	7,310*, 7,440*
Sodium	NE	82,048*, 83,400*
Vanadium	260	3.0*, 2.8*

Notes:  
 \* Concentrations in micrograms per liter  
 \* EPA Region IX PRGs (EPA Feb 1995a)  
 \* NE = Not established  
 \* Unfiltered samples  
 \* Filtered samples

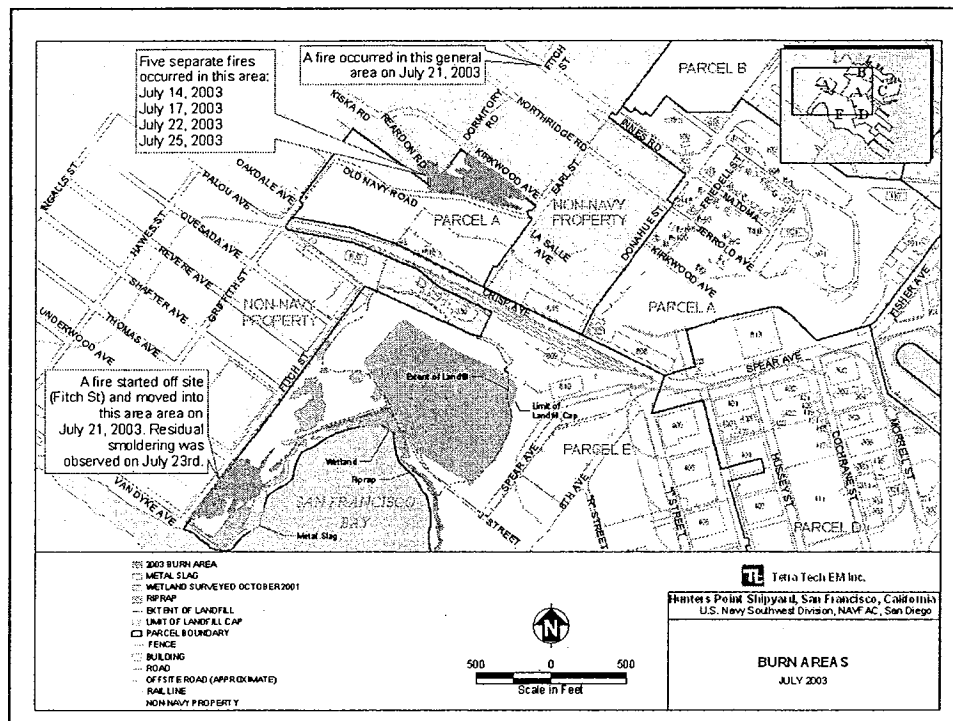
# Soil Analytic Results IR-59 JAI

TABLE 5 SUMMARY OF SOIL ANALYTICAL RESULTS FOR METALS AFTER INVESTIGATION BY EXCAVATION AT IR-59 JAI\* PARCEL A, HUNTERS POINT ANNEX

Detected Analyte	Detected Concentration Range	PRGs*	Detection Frequency Above PRG*	HPAL*	Detection Frequency Above HPAL*
Antimony	0.98 - 10.7	31	0 of 41	9.05	1 of 41
Arsenic	0.43 - 8.1	0.32	40 of 41	11.1	0 of 41
Barium	54.1 - 810	5,300	0 of 41	314.36	1 of 41
Beryllium	0.24 - 0.56	0.14	36 of 41	0.71	0 of 41
Chromium (not speciated)	42.4 - 1,790	210*	19 of 41	82 - 1,258	1 of 41
Cobalt	10 - 173	NE†	NE	17 - 129	1 of 41
Copper	6.2 - 609	2,800	0 of 41	124.31	1 of 41
Lead	3.7 - 101	400 (130)*	0 of 41	8.99	20 of 41
Manganese	286 - 1,075	380	35 of 41	NE	NE
Nickel	41.7 - 2,928	1,500 (150)*	1 of 41	71 - 3,061	0 of 41
Zinc	25.2 - 423	23,000	0 of 41	109.86	9 of 41

Notes:  
 \* Concentrations in milligrams per kilogram  
 \* EPA Region IX PRGs (EPA Feb 1995a)  
 \* Only samples of soil in which metals were detected after investigation by excavation are listed.  
 \* Hunters Point Annex ambient level (PRC 1995a)  
 \* EPA Region IX PRC for total chromium  
 \* NE = Not established  
 \* Cal-modified PRGs (EPA 1995a)





**“The highest function of  
science is the  
understanding of  
consequences”**

**DUNE**

**Frank Herbert**

## Parcel A ROD and Related Documents

- ❖ Summary
- ❖ Conclusion
- ❖ Discussion

**PRESENTATION BY**  
**DR. AHIMSA SUMCHAI**

"Due to the presence of hazardous materials....the Hunters Point property was placed on the Nation Priorities List in 1989 as a Federal Superfund site pursuant to CERCLA as amended by SARA."

Parcel A Remedial Investigation Report, September 22, 1995, Pages 2-6.

**Parcel A is not suitable for transfer!!**

1. The overall ECP classification of seven of the fifteen Parcel A subparcels is 4 to 7!
2. The Parcel A SI-50 storm drain and sanitary sewer systems were not investigated for radionuclides and per the Draft Final HRA must be included in the scoping and characterization surveys of the storm drain lines Basewide Impacted Areas. (Section 8 8.3.6.1)
3. "Black beauty" sandblast grit discovered at IR-59 JAI at two sits was not analyzed for radium 226 or plutonium fission products. IR-59 JAI is therefore by history a MARSSIM Class I impacted area.
4. The Parcel A FOST must be expanded to address the imminent risk to human life, the environment and property posed by four consecutive years of documented fires in the Parcel A, B, D and E regions of HPS.
5. The Conveyance Agreements stipulate that health based cleanup goals be met at Parcel A; specifically:
  - a. A Hazard Index less than 1!
  - b. An excess lifetime cancer risk for carcinogens of between  $10^{-4}$  and  $10^{-6}$  or less!

IR-59 JAI Residential Scenario – Table L-5 Parcel A RI Report

HI Soil	3
HI Homegrown Produce	9
Total HI	11.9

**TOTAL CARCINOGENIC RISK**

$2 \times 10^{-3}$

(Two in one thousand!)  
at Parcel A  
IR-59 JAI

generated funding . The revised phasing would also delay implementation of the TSM programs, which begins only when there are 1,000 employees or residents on site.

#### *Air Quality*

A supplemental analysis is needed based on new information that indicates the need for an analysis of air quality impacts using more protective air quality standards.

“ In October 1999, Governor Davis signed the Children's Environmental Health Protection Act (Senate Bill 25), authored by Senator Martha Escutia, which seeks to ensure that California's air quality programs protect the health of infants and children. The Act requires ARB, in consultation with OEHHA, to review all ambient air quality standards to determine whether they adequately protect the health of the public, including children. The Act also requires OEHHA to identify toxic air contaminants that may cause infants and children to be especially susceptible to illness, and it requires ARB to determine the adequacy of existing control measures for toxic air contaminants or the need for new control measures to protect the health of the public, particularly infants and children.

The initial stage of the ambient air quality standards review was completed in December 2000. ARB and OEHHA concluded that PM and ozone may cause health effects in children even at levels meeting the state's ambient air quality standards. The amount of time children play outdoors and their higher breathing rates are some of the reasons why children may be more sensitive to these pollutants than adults. The review also found evidence that levels of nitrogen dioxide (a pollutant in motor vehicle exhaust and many kinds of industrial emissions) that meet the ambient air quality standard may harm asthmatic children.”<sup>1</sup>

#### *Hazardous Substances*

New information about contamination affecting Parcels A and B have raised questions whether the development program for the Shipyard – both Phase I and subsequent phases – can actually be safely implemented. The February 2000 EIR assumes that the CERCLA cleanup process will prevent impacts. However it cannot be assumed that the CERCLA process will necessarily produce cleanup results that are consistent with the Shipyard development program.

#### *Cumulative Analysis*

In addition to the analysis of cumulative impacts of the new roadway system, the supplemental environmental review needs to consider all new development in the pipeline since February 2000, including the rezoning of Eastern Neighborhoods, the Home Depot Project, adoption of the Bayview Hunters Point Redevelopment Plan, and all other project affecting the southeast corner of San Francisco.

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<sup>1</sup> California Office of Environmental Health Hazard Assessment, Fact Sheet on Air Pollution and Children's Health  
- [http://www.oehha.ca.gov/public\\_info/facts/airkids.html](http://www.oehha.ca.gov/public_info/facts/airkids.html), 9/19/2003

# Arc Ecology

833 Market Street ♦ San Francisco, California 94103

phone: 415 495 1786 ♦ fax: 415 495 1787 ♦ e-mail: evebach@mindspring.com

September 19, 2003

Ms. Joy Navarrette  
Environmental Review  
Planning Department\  
1660 Mission Street, Suite 500  
San Francisco, CA 94103-2414

BY FAX: 415 558 5991  
BY e-mail: [joy.navarrette@sfgov.org](mailto:joy.navarrette@sfgov.org)

RE: Hunters Point Shipyard 2003.0241E  
Comments on the Notification of Project Receiving Environmental Review

Dear Ms. Navarrette:

Thank you for providing the opportunity to comment on this project. We have commented extensively on all environmental review documents to date concerning Hunters Point Shipyard, both on our own behalf, and on behalf of community alliances in which we participate. We have prepared the attached comments to express our views on the additional environmental review that you are considering, and also the concerns of the Community First Coalition. The Community First Coalition includes organizations and individuals in Bayview-Hunters Point who are actively concerned about environmental degradation affecting residents of this highly polluted neighborhood.

As you will read in our comments, we are troubled that we lack some of the information we need to provide a comprehensive set of comments. Since much of the information about the draft DDA is unavailable to the public, we are uncertain whether the provisions of that document would generate additional impacts that are not adequately addressed by the February 2000 EIR for the Reuse and the Redevelopment Plans. We will contact you when all of the information is before us if we identify additional issues.

Please contact us if we can be of assistance.

Yours truly,

Eve Bach  
Staff Economist/Planner

Cc: Maurice Campbell, CFC  
Attachment: Comments

## **COMMENTS OF NOTIFICATION OF PROJECT RECEIVING ENVIRONMENTAL REVIEW – HUNTERS POINT SHIPYARD, PHASE I**

The Notification of Project Receiving Environmental Review (“Notification”) states that additional environmental review is needed because the Shipyard development program that the Redevelopment Agency is currently considering differs from development program in the the Reuse Plan and the Redevelopment Plan analyzed in the February 2000 FEIR.

### **Questions about the Definition of the Project**

However the Notification is vague about the nature of those differences, except for the revisions to the phasing of non-residential development and location of some of the planned housing. The Notification is also unclear what actions would be covered by this round of environmental review. Based on the Project Title in the Notification – “Hunters Point Shipyard Phase I,” we can infer that approval of the Disposition and Development Agreement (DDA) is one such action, but we cannot know if others are planned in addition.

Our review of the draft DDA is to date incomplete since the entire document is not yet available to the public. Our review of other sections has necessarily been cursory due to the short amount of time other sections have been available. Therefore our comments on the Notification are not comprehensive, but we are submitting them to meet the City’s deadline.

### **Supplementary EIR is needed.**

Even if the changes to the development program were limited to the phasing revisions and relocation of housing units, a supplementary EIR would be needed. Although the total amount of Phase I development will be less than previously projected, the changes to the mix of uses could potentially make the main transportation mitigations – a TSM Program – unworkable.

Other, more extensive changes to the Phase I development program that are described in DDA sections we have reviewed so far present an even more compelling case for a Supplemental EIR. The new roadway system in particular will induce growth with serious, possibly unmitigable cumulative impacts.

### **Question about Status of the Conceptual Framework (Term Sheet for the DDA)**

Since the City is in the process of determining whether the development proposed by Lennar’s Phase I development requires additional environmental review, should the Redevelopment Agency’s approval of the Conceptual Framework be considered an irreversible step in the process?

### **Questions about Status of FEIR**

In addition to our questions about the nature of the project under review, we are also uncertain about the current status of the February FEIR certified by the Redevelopment and the Planning Commissions when they approved the Shipyard Redevelopment Plan. It is our understanding that the Board of Supervisors approved the Shipyard Redevelopment Plan *prior to certification* of the EIR, pursuant to special provisions of Community Redevelopment Law (Public Resources Code §33492.18). It is unclear whether the BOS subsequently considered the EIR after certification to comply with §31.17 (b) of San Francisco Administrative Code which normally would have required such consideration prior to the approval action..

In this context, we also have questions about the effect of additional rounds of environmental review on the validity of the EIS. Will the Navy still be able to convey property based on their environmental review of a development program that has undergone changes resulting in additional environmental impacts?

### **Question about the Adequacy of the Notification**

#### *Zoning*

The Project Description indicates that the Shipyard is zoned P (Public) and RM-1 (Residential Mixed, Low Density). However San Francisco zoning maps available on the Internet omit the Shipyard suggesting that zoning of these areas is not currently designated.

#### *Misleading Comparison*

The comparison of the Revised Project is confusing and uninformative. Although it correctly states that the new Phase I would include the same number of housing units as the Reuse and the Redevelopment Plans, it fails to point out that it would also increase the amount of R&D/office space from 65,000 sf to 220,000 sf. Although the Project Description observes that non-residential uses would be reduced by 2/3, it needs to point out that this reduction would be achieved by eliminating *all* industrial and maritime industrial development from Phase I.

We believe the City should be clear that revisions to the Reuse Plan that the community's job-creating strategy that prioritized light industrial development has almost completely vanished from Phase I. Although some of the impacts of this change are economic and social, the changed mix of uses will affect travel-to-work patterns and other environmental factors.

#### *Unclear Description of Changes to Infrastructure*

The Project Description states "The Phase I development program would include new infrastructure, such as new storm water, wastewater, natural gas and electricity distribution systems, and new telecommunication systems. Roads are proposed to be improved and new streets and transit facilities are proposed."

This description does not distinguish between infrastructure that was previously included in Phase I and revisions to the infrastructure plan for the new Phase I development. Only by reading the draft DDA do we learn, for example, of plans to modify the internal circulation system, including expanding Galvez Avenue to eight lanes – six for traffic and two for parking.

### **Determining when Supplementary Environmental Analysis is needed**

The February 2000 EIR must be supplemented by additional analysis of the DDA development program that increase or create potentially significant impacts.

That additional analysis must be in the form of a Supplemental EIR if the changes increase the severity or create new non-mitigable significant impacts. Non-mitigable impacts might be created or their level increased if mitigation measures become infeasible or less effective.

The development program proposed in the draft DDA generates new or expanded impacts because of (1) changes to the development program (e.g., phasing, relocation of uses, changes to infrastructure); (2) changes to conditions/ availability of new information (e.g., new information about contamination, or about foreseeable cumulative development) and (3) changes to

applicable standards, rules, and regulations (e.g., new air pollution standards more protective of children. .

## Potentially Significant Environmental Impacts Requiring Analysis Mitigation in a Supplementary EIR

### *Land Use*

Consistency with land use standards and requirements: The revised Phase I development program should be analyzed for consistency with the Redevelopment Plan (which incorporates the land use maps of Reuse Plan) and the General Plan. Inconsistencies should be considered significant impacts. Although State Law (Public Resources Code §33492.20) allows the BOS to delay making findings that the Shipyard Redevelopment Plan is consistent with the General Plan, it does not remove the City's responsibility to identify the conflict as an impact requiring mitigation.

### *Transportation*

The draft DDA provides for a new roadway system that it is growth-inducing and appears to be the first segment of a more extensive project. The new arterial (highway?) system presented in the draft DDA that loops through the Shipyard will create more capacity than needed to serve both Phase I development and full buildout of the Shipyard according to current plans. Therefore, a new traffic analysis is needed that projects traffic, air pollution, and noise impacts that will be generated by the proposed roadway when it operates at full capacity. This analysis is needed in addition to usual projection of traffic and air quality based on trip generation of each land uses.

The assumption that the new roadway system will operate at full capacity is not far-fetched. DPW is studying truck/ general traffic routing, to create a southern gateway to the Shipyard, including an EIR scheduled for completion by November 2004. The new access system that is being planned includes construction of a bridge across South Basin/Yosemite Slough, the 90-foot wide roadway through the Shipyard that will exit at Innes and connect with the Islais Creek bridge via Cargo Way linking back to (and exacerbating congestion at the Cesar Chavez access points to) Routes 280 and 101.

The new roadway system in the draft DDA appears to be the precursor of that more extensive system that would provide new access not only serving the Shipyard as a destination, but also would attract through-traffic generated by a potential new stadium, India Basin, and development of Port properties, as well a traffic diverted from the congested 101 corridor.

The supplemental EIR must analyze and mitigate cumulative traffic, air, noise, and esthetic impacts of the new roadway system as a whole and the development it would induce throughout the southeastern corner of San Francisco. No single portion of an entire new access system should be approved until the entire system has undergone thorough environmental review.

The reduction of non-residential development by 2/3 in Phase I could make it financially infeasible to implement effective TSM programs since they depend heavily on business-



generated funding . The revised phasing would also delay implementation of the TSM programs, which begins only when there are 1,000 employees or residents on site.

#### *Air Quality*

A supplemental analysis is needed based on new information that indicates the need for an analysis of air quality impacts using more protective air quality standards.

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- [http://www.oehha.ca.gov/public\\_info/facts/airkids.html](http://www.oehha.ca.gov/public_info/facts/airkids.html), 9/19/2003

To: Commissioner Romero - President  
San Francisco Redevelopment Agency Commission

Dear Commissioner Romero,

**Whereas;**

On behalf of the Bay View Hunters Point Restoration Advisory Board (BVHP RAB), we request the San Francisco Redevelopment Agency (SFRA) continue the matter of your Agency's approval, on April 1, 2004, of the "conveyance agreement" (CA) between the US Navy and the City and County of San Francisco (CCSF) for the Hunters Point Shipyard, for at least sixty days, but at least until such time as SFRA, as the California Environmental Quality Act (CEQA; Public Resources Code § 21000 *et seq.*) "lead agency" completes its environmental review of both the CA and the Lennar/BVHP Disposition Development Agreement (DDA), executed on December 2, 2003, by the SFRA.<sup>1</sup> Both the CA and DDA are "projects" within the meaning of CEQA.

The purpose of the Restoration Advisory Board (RAB) is to review, comment, and make recommendations to the Base Realignment and Closure (BRAC) Cleanup Team (BCT) on matters pertaining to the restoration and environmental cleanup of Hunters Point Naval Shipyard. In addition, the RAB should act as a forum for information exchange between the installation, affected community, Department of Defense (DOD), reuse groups, and regulatory agencies such as the SFRA.

**Request for Continuance of "Conveyance Agreement"  
Pending Environmental Review**

The CCSF Redevelopment Commission took discretionary action on December 2, 2003, by approving the DDA for the development of the Hunters

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<sup>1</sup> If you disagree with this CEQA characterization, please advise us immediately, and please provide the legal authority on which you are relying. If you don't advise us that you disagree, we will assume that you agree and will rely on that agreement in taking

Point Shipyard. Additionally, by and through Mayor Gavin Newsom, CCSF took what is clearly discretionary action by approving (*i.e.*, entering into) the CA with the U.S. Navy. The CA sets a specific timetable for giving CCSF a portion of the Hunters Point Shipyard for residential development (herein referred to as Parcel A), as well as giving commercial development rights to Lennar/BVHP, a private, non-governmental organization.

To our knowledge (and please advise us immediately if and how we are wrong), neither of the discretionary actions involving the CA and DDA previously described has been subjected to public review or comment, nor have these actions been subjected to environmental review as required by CEQA for such projects.

On November 7, 2000, CCSF voters passed, with 87% approval, Proposition P calling upon the US Navy to remediate the Hunters Point Naval Shipyard to the highest levels practical to assure the flexible reuse of the property. The Navy is required under the Comprehensive Environmental Response, Compensation and Liability Act (CERCLA), 42 U.S.C. § 9601 *et seq.*, and its implementing regulations, 40 CFR Parts 300–311, to take community acceptance into account in its cleanup decisions. On July 30, 2001, CCSF's Board of Supervisors (the Board) passed unanimously a resolution implementing the will of the voters as expressed by Proposition P. The Board's vote confirmed as the policy of CCSF that the Navy should clean the Hunters Point Naval Shipyard of toxic and hazardous pollution to the highest practical level. Since the voters empowered the Board to enforce Proposition P, and the Board then proceeded to do so, the Board clearly has a duty to also vote on the CA.

Both the CA and the DDA must be subjected to all applicable government approvals including all required environmental reviews under both CEQA and its federal counterpart, the National Environmental Policy Act (NEPA). There are a number of additional governmental approvals that must be obtained prior to the

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further action.

development allowed by the CA and DDA, including General Plan amendment(s) and redevelopment area mergers. There are also legal mandates for a subsequent or supplemental<sup>2</sup> environmental analysis to augment the study done in 1999, which provides no complete or adequate environmental analysis of the impacts associated with the development envisioned and allowed by the CA and DDA. The impacts that are being ignored pose imminent threats of grave if not fatal harm to human life and safety, as well as the environment.

The impacts and their potentially grave harm must be analyzed by considering the pertinent documentation from the Navy and the Hunters Point and San Francisco Fire Departments, particularly in regard to the residential development being planned for Parcel A under the CA and DDA. It is common knowledge that this area has been the site of a series of fires during the summer months of the years 2003, 2002, 2001 and 2000. The ignition of these fires was fueled by flammable, explosive chemicals whose presence is documented in the Parcel A Record of Decision and include petroleum products, pesticides, volatile organic compounds in the air and soil, and gaseous emissions from the partially capped industrial landfill on Parcel E, which is immediately adjacent to Parcel A.<sup>3</sup>

The US Navy and Tetra Tech Em, Inc., have provided documentation that five separate fires occurred in upland Parcel A between July and August of 2003 at the exact site where the Lennar/BVHP developers propose to begin the demolition and deconstruction of existing Parcel A buildings in time for CCSF/SFRA proposed construction of 1600 homes this summer.

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<sup>2</sup> See Attachment A September 19, 2003 letter from Eve Bach, Staff Economist/Planner, Arc Ecology, to Ms. Joy Navarrette, Environmental Review Planning Department asking for a supplemental EIR/EIS on the DDA and CA.

<sup>3</sup> Information on these vital subjects is readily available, and we respectfully request that to the extent it hasn't been done yet, a full investigation be conducted prior to any further discretionary action involving the CA and DDA. If such an investigation has been done or commenced, please consider this our request under the California Public Records Act for an opportunity to inspect all writings in your possession concerning such an investigation.

As a further example of matters that must be fully investigated and analyzed to adequately protect human health and safety as well as the environment, Hunters Point Fire District Run report #45, dated September 11, 2001, documents that at 3:15 p.m. that day both SFFD and HPFD were dispatched to Crisp Avenue near Parcel A where they encountered "fire moving at a rapid speed with flames 15 to 25 feet high". The fire was observed moving towards the parking lot area of Building 815 in the Parcel A region of the Shipyard. According to the email alert sent by the Navy under the Community Notification Plan "family dwellings above the fire were threatened. After deployment of several hundred feet of hose and equipment, the fire was extinguished at 5pm". HPFD was reactivated to the Building 815 site to extinguish hot spots over the next two days as verified in fire run reports #56 and #47. A total of seven fires were responded to in September of 2001. All occurred in the Parcel A and B regions of the Shipyard.

Further CEQA/NEPA analysis is legally required for the proposed development of Parcel A given the additional facts that:

1. Parcel A has undergone boundary changes as documented in the Parcel A FOST Revision 2 dated August 26, 2002, to include sub parcels N-13a and N-18A. Additionally, in the Draft final FOST dated March 19, 2004, Parcel A boundaries were revised to exclude radiation-impacted buildings 813 and 819 situated along Spear Avenue. A NEPA compliant EPA risk assessment protecting human health is, therefore, a requirement (morally as well as legally).
2. On August 16, 2000 the Parcel E landfill, adjacent to Parcel A, was the site of a fire that burned for 6 hours. Several areas estimated to be less than five acres continued to burn for several weeks according to the ATSDR Consultation Summary. The Parcel E landfill has been classified by ATSDR as a Completed Exposure Pathway, meaning that in assessment of risk to nearby residents, it could be shown that "exposure

to contaminants could have occurred in the past, is occurring or will occur in the future.

3. An August 2002 landfill gas survey detected flammable, explosive methane gas emanating from the Parcel E landfill within 100 feet of Parcel A in concentrations exceeding 80% in air. This represents a violation of state law mandating that methane gas concentrations be less than 5% in air. A recent decision by the California Integrated Waste Management Board forbids construction within 1000 feet of the detection of methane gas. The Navy publicly acknowledges in the Draft Final FOST that it was required to use active extraction to remove subsurface methane gas from beneath laboratories and kennels operated by the University of California at San Francisco at the boundary of Parcel E and A in January of 2004.
4. The Draft Final Historical Radiological Assessment, released on February 25, 2004, documents Parcel A to be the site of five MARSSIM Class 1 Radiation impacted/contaminated buildings including buildings 816, 821, 813, 819 and FUDs site 815. Parcel A covers approximately 75 acres and is the site of 61 buildings and 43 foundations according to the 1995-ROD. The Navy conducted investigations on nine Parcel A sites only. Additionally, radiation impacted buildings on Parcel A have been cleared for unrestricted use by an outdated cleanup standard that is well below the EPA recommended level and is currently being challenged in California Superior court.
5. Parcel A buildings and foundations have been determined to contain lead and asbestos. Deconstruction of these structures during development may lead to the release of these toxins into surrounding air and soil, thus producing pathways for exposure for future Parcel A residents.
6. Proposition P, which contains a Declaration of Policy, passed by a landslide 87% of the CCSF electorate after the November 7, 2000 municipal election. Proposition P states, in pertinent part: "[T]he National

Contingency Plan, the regulation governing cleanup of a toxic site, established community acceptance as one of its nine principal criteria. The Bayview Hunters Point community wants HPS cleaned to a level enabling the unrestricted use of the property- the highest standard for cleanup established by the U.S. environmental Protection Agency." Proposition P was ratified by the CCSF Board of Supervisors on July 30, 2001, and signed by the Mayor on August 10, 2001.

7. The Memorandum of Agreement between the City of San Francisco and the Navy, signed on November 2, 2000, stipulates that cleanup of Parcel A and the remaining five shipyard land parcels adhere to strict health based preliminary remediation goals to provide total estimates of carcinogenic and noncarcinogenic health hazards under the residential scenario. The Parcel A Human Health Risk Assessment Report (HHRA) assesses the probability and magnitude of potential harm to human health from exposure to threaten and actual releases of hazardous substances on Parcel A sites. The HHRA and supporting documents do not support the Navy's contention that the nine sites explored on Parcel A pose no threat to human health or the environment. The Navy reports hazard indices up to 36 times greater than health protective standards for children exposed to soil on Parcel A under a residential scenario; soil lead contamination above California preliminary remediation goals; hazard indices 100 times greater than health protective standards for vegetable consumption at numerous Parcel A sites; and an exceedingly high cancer risk of  $2 \times 10^{-3}$  at the major IR site investigated. Studies conducted by the San Francisco Department of Public Health in 1995 and 1997 identify a high incidence and mortality from cancer among BVHP residents. The scientific documentation by the Navy of hazard indices and cancer risks above health protective standards on Parcel A is in violation of multiple federal, state and local laws and regulations in addition to violating the terms of the original Conveyance Agreement signed by Mayor Willie

Brown on November 2, 2000. These laws and regulations include the CERCLA act of 1980 as amended by the SARA act of 1986, NEPA, CEQA and Proposition P.

Executive Order 12898, 59 Fed. Reg. 7629 (1994), Section 1-101, requires that each federal agency, including the US Navy and US EPA, make achieving "Environmental Justice" part of its mission by identifying and addressing any disproportionately high and adverse human health or environmental effects of its programs, policies and activities on minority populations and low-income populations. The BVHP neighborhood is a predominately African-American community of color that is disproportionately impacted by existing environmental hazards and has a disproportionately high number of families with household incomes below the poverty level compared to the CCSF as a whole.

Title VI of the Civil Rights Act of 1964 requires CCSF, and the SFRA, in coordination with the California Environmental Protection Agency, Department of Toxic Substances Control, to identify and address any disproportionately high human health, socioeconomic, or environmental impacts of their programs, policies, and actions on minority or low-income populations. CEQA is primarily a public disclosure statutory scheme allowing the affected community to be informed and members of the public to voice their opinion, and to have input, about projects that may affect their environment. CEQA requires a review of the environmental impacts of overall activities ("the whole of an action" -- 14 Cal. Code Regs. § 15378(a)) defined as "projects." (Pub. Res. Code § 21065.) This strong, broad right of public participation under CEQA has a political component (*i.e.*, CEQA allows the compilation of a record concerning the approval of development projects that can be used by the public to vote environmentally insensitive decision makers out of office come election day), the violation or deprivation of which has constitutional ramifications on an affected community as well as the public at large.



In mandating separate Disposition Development Agreements and "conveyance agreements" for the development of the shipyard (Parcels A- E), SFRA as the lead agency under CEQA, is "piecemealing" the overall activity. CEQA strongly forbids this kind of "chopping up [of] a proposed project into bite-size pieces which, individually considered, might be found to have no significance on the environment." (*Kings County Farm Bureau v. City of Hanford* (1990) 221 Cal.App.3d 692, 716, citing *Orinda Assn. v. Board of Supervisors* (1986) 182 Cal.App.3d 1145, 1171, 1172; see also *Bozung v. LAFCO* (1975) 13 Cal.3d at 283-284; *Sundstrom v. County of Mendocino* (1988) 202 Cal.App.3d 296, 309.)

CEQA provides that a proposed project may have a significant effect on the environment when the possible effects on the environment are individually limited but "cumulatively considerable." (Pub. Res. Code § 21083(b); 13 Cal. Code Regs. § 15065. "'Cumulatively considerable' means that the incremental effects of an individual project are considerable when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects." (14 Cal. Code Regs. § 15065.) In addition to analyzing the direct impacts of a project, the CEQA Lead Agency must also consider a project's potentially significant cumulative impacts.

Recent statutory law has invigorated CEQA's role in ensuring "the fair treatment of people of all races, cultures, and incomes with respect to the development, adoption, implementation, and enforcement of environmental laws, regulations, and policies" (i.e., environmental justice)." (Emphasis added; see SB 115, Solis; Stats. 99, ch. 690, Gov. Code § 65040.12 and Pub. Res. Code §§ 72000-720001.)

In conjunction with the regulatory provisions of the federal Clean Air Act and Division 26 of the Health and Safety Code,<sup>4</sup> CEQA provides an ideal

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<sup>4</sup> 42 U.S.C. § 7401 *et seq.* (Public Law 88-206, 77 Stat. 392, December 17, 1963, as last amended by the Clean Air Act Amendments of 1990, P. L. 101-549, November 15, 1990); Health & Saf. Code § section 39000 *et seq.*

mechanism for ensuring that Environmental Justice will be addressed in all activities and projects that may have a significant effect on the environment.

CEQA requires that environmental documents (*i.e.*, an environmental impact report (EIR) or a negative declaration) be prepared whenever a public agency proposes to undertake a discretionary activity (which is defined extremely broadly as the "whole of an action" being engaged in) that may have a significant effect on the environment. (See Pub. Res. Code §§ 21002.1, 21061, 21064, and 21080.1; see *also* 14 Cal. Code Regs. §15002.)

In enacting CEQA, the Legislature expressly declared a number of important policies with which activities and documentation must be consistent, and which must be complied with and enforced, including:

"It is the intent of the Legislature that all agencies of the state government which regulate activities of private individuals, corporations, and public agencies which are found to affect the quality of the environment, ***shall regulate such activities so that major consideration is given to preventing environmental damage, while providing a decent home and satisfying living environment for every Californian.***" (Pub. Res. Code § 21000(g) (emphasis added).)

It is California policy to "[d]evelop and maintain a high-quality environment now and in the future, and ***take all action necessary to protect, rehabilitate, and enhance the environmental quality of the state.***" (Pub. Res. Code § 21001(a) (emphasis added).)

It is the policy of this state to require that public agencies "[t]ake all action necessary to ***provide the people of this state with clean air and water, enjoyment of aesthetic, natural, scenic, and historic environmental qualities, and freedom from excessive noise.***" (Pub. Res. Code § 21001(b) (emphasis added).)

State policy calls for ensuring "that the long-term protection of the environment, consistent with ***the provision of a decent home and suitable living environment for every Californian, shall be the guiding criterion in public decisions.***" (Pub. Res. Code § 21001(d) (emphasis added).)

State policy requires "governmental agencies at all levels to ***develop standards and procedures necessary to protect environmental quality***" (Pub. Res. Code § 21001(f) (emphasis added).)

California policy requires "governmental agencies at all levels to ***consider qualitative factors as well as economic and technical factors and long-term benefits and costs ...***" (Pub. Res. Code § 21001(g) (emphasis added).)

"The interrelationship of policies and practices in the management of natural resources and waste disposal requires ***systematic and concerted efforts by public and private interests to enhance environmental quality and to control environmental pollution.***" (Pub. Res. Code § 21000(f).)

"Every citizen has a responsibility to contribute to the preservation and enhancement of the environment." (Pub. Res. Code § 21000(e).)

The recent enactment of Public Resources Code sections 71110 through 71115, and Government Code section 65040.12, in conjunction with other statutory and regulatory requirements, such as the Bay Area Air Quality Management District State Implementation Plan, and EPA regulations, require the SFRA, as well as other agencies, to infuse **Environmental Justice** into every aspect of decisionmaking. This panoply of statutory authority supplements the general authority to "do such acts as may be necessary for the proper execution of the powers and duties granted to, and imposed upon [a public agency] ..." (Health & Saf. Code § 39600.) Further, the rules, regulations, and standards that the SFRA and other agencies adopt must be "consistent with the state goal of providing a decent home and suitable living environment for every Californian"<sup>5</sup> (*Id.* § 39601(c).)

Therefore the two agreements, the CA and DDA, and all associated activities constituting the "whole of an action" being carried out by the public agencies involved capable of having an adverse environmental impact (14 Cal. Code Regs. § 15378(a); *see also* Pub. Res. Code § 21065), must be subjected to environmental review pursuant to CEQA to ensure

that all the project's adverse, potentially significant impacts on the Bayview Hunters Point community, as well as the entire region in which the project is located, are fully and fairly investigated, identified, analyzed, evaluated and, perhaps most importantly of all, mitigated -- while also ensuring that project alternatives capable of avoiding or reducing the impacts are considered and, if feasible, adopted.

**Therefore be it resolved that;**

For good cause shown, the Bay View Hunters Point Restoration Advisory Board respectfully requests the San Francisco Redevelopment Agency (SFRA) grant its request and continue the matter of your Agency's approval of the "conveyance agreement" between the US Navy and the City and County of San Francisco for the Hunters Point Shipyard, for at least sixty days, but until such time as the SFRA as the lead agency under the California Environmental Quality Act completes its environmental review on its proposed project, including the April 1, 2004 conveyance agreement and the Lennar/BVHP Disposition Development Agreement executed December 2, 2003 by the SFRA.

Vote	Ayes	Nays	Abstentions
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<sup>5</sup> This overlapping of statutory goals and requirements (*see* Pub. Res. Code § 21000(g), quoted above) is typical among statutory schemes aimed at protecting the public health.



San Francisco Redevelopment Commission  
Special Meeting in Our Community  
on the

**Hunters Point Shipyard  
Conveyance Agreement**

Thursday, April 29, 2004  
6 p.m.

**Ruth Williams Memorial Theatre**  
Bayview Opera House  
4705 3rd Street  
San Francisco, CA 94124



# Letter of Transmittal

To: Mark Gelsinger  
Contract Specialist

From: Debra Moore

Company: Naval Facilities Engineering Command  
Southwest Division  
1220 Pacific Highway  
San Diego, CA 92132-5190

Date: 01 June 2004

Project # 02.125.02

Doc No: 02.125.02.29-13

Direct Line 415-657-0346

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| <input type="checkbox"/> For Review & Comment | <input type="checkbox"/> Approved As Submitted  | <input type="checkbox"/> Resubmit _____ Copies for Approval   |
| <input type="checkbox"/> For Approval         | <input type="checkbox"/> Approved As Noted      | <input type="checkbox"/> Submit _____ Copies for Distribution |
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| <input type="checkbox"/> Other:               |   |   |

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P. Brooks, 06CH.GB (1C/1E)		

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